VOLUME 2

STATUTES OF CALIFORNIA

1952 AND 1953

CONSTITUTION OF 1879 AS AMENDED
MEASURES SUBMITTED TO VOTE OF ELECTORS,
1952 GENERAL ELECTION

GENERAL LAWS, AMENDMENTS TO CODES,
RESOLUTIONS, AND CONSTITUTIONAL
AMENDMENTS

PASSED AT

THE 1952 REGULAR SESSION OF
THE LEGISLATURE

THE 1952 FIRST AND SECOND EXTRAORDINARY
SESSIONS OF THE LEGISLATURE

AND THE

1953 REGULAR SESSION OF THE LEGISLATURE

CHAPTER 1074

An act to amend Section 155 of the Vehicle Code, relating to display of registration cards.

[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 155 of the Vehicle Code is amended to read:

155. Owner to Sign and Display Registration Card. (a) Every owner upon receipt of a registration card shall write his signature thereon with pen and ink in the space provided and shall place and thereafter maintain the same or a facsimile copy thereof in a suitable container and shall securely fasten said container and card in the driver's compartment of the vehicle for which issued in a position so that at least that portion of said registration card, or facsimile copy thereof, containing the name and address of the registered owner and the license number of the vehicle shall be plainly visible and legible from the outside of the vehicle or, if the vehicle has no driver's compartment, shall so fasten the same in plain sight upon, or carry the same in some receptacle attached to the vehicle.

Registration card

(b) The provisions of this section shall not apply when a registration card is necessarily removed from the vehicle for which issued for the purpose of application for renewal thereof or a transfer of registration of said vehicle or to any pole or pipe dolly or auxiliary dolly.

SEC. 2. The provisions of Section 1 of this act shall apply to all registration cards issued by the department for the year 1953 and to all registration cards issued thereafter.

Application

CHAPTER 1075

An act to amend Sections 2871, 2892, and 2895 of the Business and Professions Code, relating to vocational nurses, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 8, 1953. Filed with Secretary of State June 9, 1953.]

In effect immediately

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

SECTION 1. Section 2871 of the Business and Professions Code is amended to read:

2871. Any applicant who fails to pass his first examination may take a second examination upon payment of the fee required by this chapter.

Re-examination

Upon the failure of an applicant to pass the second examination the board may require him to complete additional courses or study designated by it. Before taking any examination after the second he shall present to the board satisfactory evidence of having completed such additional courses or study, and shall pay the fee prescribed by this chapter.

SEC. 2. Section 2892 of said code is amended to read:

License renewal

2892. Prior to July 1st of each year, each licensed nurse shall apply for a renewal of his license and shall pay the renewal fee required by this chapter, whereupon the board shall renew his license.

Every license not renewed will expire on the thirtieth day of August of each year, but may thereafter be renewed upon the payment of the renewal fee and such proof of the applicant's qualification to be licensed as may be required by the board.

SEC. 3. Section 2895 of said code is amended to read:

Fees

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

(a) The fee to be paid upon the filing of an application shall be fixed by the board, with the approval of the director, at not more than ten dollars ($10) nor less than five dollars ($5).

The fee for any examination after the first is five dollars ($5).

(c) The renewal fee shall be fixed by the board with the approval of the director at no more than five dollars ($5) nor less than one dollar ($1). No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

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 act increases and advances the date of payment of certain fees under the Vocational Nursing Practice Act. In order that the Board of Vocational Nurse Examiners may be placed upon a self-sustaining financial basis at the earliest opportunity and thus enabled properly to discharge its responsibilities in relieving the serious shortage of nurses within the State, it is essential to the public health and safety that the act go into immediate effect.

CHAPTER 1076

An act to amend Sections 17003, 17200, 17207, 17209, 17406, 17414, and 17613 of, and to add Sections 17210.1, 17210.2, 17403.1, 17413 1, 17417, and 17418 to, and to repeal Section 17401 of, the Financial Code, and to add Article 14, comprising Section 1577, to Chapter 6 of Title 10 of Part 3 of the

Code of Civil Procedure, relating to escrow agents under the Escrow Law.

[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 17003 of the Financial Code is amended to read:

17003. "Escrow" means any transaction wherein one person, for the purpose of effecting the sale, transfer, encumbering, or leasing of real or personal property to another person, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person to be held by such third person until the happening of a specified event or the performance of a prescribed condition, when it is then to be delivered by such third person to a grantee, grantor, promisee, promisor, obligee, obligor, bailee, bailor, or any agent or employee of any of the latter. "Escrow"

SEC. 2. Section 17200 of said code is amended to read:

17200. It shall be unlawful for any corporation, partnership, firm, or individual to engage in business as an escrow agent within this State except by means of a corporation duly organized for that purpose licensed by the commissioner as an escrow agent. License

SEC. 3. Section 17207 of said code is amended to read:

17207. The commissioner shall charge and collect the following fees: Fees

(a) For filing an original or a renewal application for an escrow agent's license, one hundred dollars ($100) for the first office or location and thirty-five dollars ($35) for each additional office or location.

(b) For filing an application for a duplicate of an escrow agent's license lost, stolen, destroyed, or for replacement, upon a satisfactory showing of such loss, theft, destruction, or surrender of certificate for replacement, two dollars ($2).

SEC 4. Section 17209 of said code is amended to read:

17209. Upon the filing of the application for an escrow agent's license, the acceptance of the bond, and the payment of the filing fee, the commissioner shall issue and deliver a license to the applicant to engage in the business of an escrow agent at the location set forth in the license, if he finds that the experience, character, financial solvency, business reputation, and general fitness of the applicant, its officers, directors, and employees are such as to command the confidence of the community and to warrant the belief that the business proposed to be conducted will be operated honestly and fairly and for the protection and safety of the public within the purposes of this division. Issuance of license

SEC. 5. Section 17401 of said code is hereby repealed. Repeal

SEC. 6. Section 17406 of said code is amended to read:

Independent audit

17406. Every escrow agent, at its own expense, shall submit to the commissioner on or before 105 days after the close of each calendar year or, if the escrow agent has established a fiscal year, after the close of its fiscal year, an independent audit of its books and records as of the last day of each calendar year or fiscal year. An escrow agent whose license has expired or has been surrendered or revoked, at its own expense shall submit to the commissioner on or before 105 days after the effective date of such expiration, surrender, or revocation, an independent audit of its books and records as of the effective date of such expiration, surrender, or revocation. The audit shall be made by a public accountant acceptable to the commissioner. The public accountant shall not be connected with the escrow agent. The audit shall be comprehensive in scope and shall include a direct verification from the person having in his possession or control any escrow funds, trust funds, or other property deposited in escrow. A verification of accounts of escrow depositors shall be made in accordance with generally accepted principles of auditing procedures and standards. The accountant making the independent audit shall render upon the completion of his audit a report containing at least an audited balance sheet and a statement of income and expenses for the fiscal year immediately preceding the date of the audit. Said report shall be certified by a public accountant as having been made in accordance with generally accepted auditing procedures, including procedures required by this section, and such other tests of accounting records as were considered necessary in the circumstances.

SEC. 7. Section 17414 of said code is amended to read:

Offenses

17414. Any escrow agent or any director, officer, agent, or employee of any escrow agent who does any of the following is guilty of a felony:

(a) Knowingly receives or possesses himself of any property of the escrow agent otherwise than in payment for a just demand, and with intent to defraud omits to make or to cause or direct to be made a full and true entry thereof in the escrow agent's books and accounts, or knowingly concurs in omitting to make any material entry.

(b) Knowingly concurs in making or publishing any written report, exhibit or statement of the escrow agent's affairs or pecuniary condition containing any material statement which he knows to be false.

(c) Having the custody or control of the escrow agent's books, wilfully refuses or neglects to make any proper entry in such books as required by law, or to exhibit or allow the books to be inspected and extracts to be taken therefrom by the commissioner, or any of his deputies or examiners.

SEC. 8. Section 17613 of said code is amended to read:

Conduct of hearings

17613. All hearings provided for in this division shall be conducted in accordance with the provisions of Chapter 5, Part 1, Division 3, Title 2, of the Government Code, and the commis-

sioner has all the powers granted therein, except that a hearing held in accordance with Section 17604 may be presided over by a hearing officer qualified under Section 11502 of the Government Code, or by any deputy designated by the commissioner.

SEC. 9. Section 17210.1 is added to said code, to read:

17210.1. The license shall be kept conspicuously posted in all places of business of the licensee. Posting of license

SEC. 10. Section 17210.2 is added to said code, to read:

17210.2. No licensee shall disseminate, or cause or permit to be disseminated, in any manner whatsoever, any statement or representation which is false, misleading, or deceptive, or which omits to state material information, or which refers to the supervision of such licensee by the State of California or any department or official thereof. The commissioner may order any licensee to desist from any conduct which he shall find to be a violation of the foregoing provisions. Dissemination, etc., of false information, etc.

SEC. 11. Section 17403.1 is added to said code, to read:

17403.1. A licensee shall not describe orally or in writing as an escrow any transaction which is not defined as such in Section 17003. Prohibition

SEC. 12. Section 17413.1 is added to said code, to read:

17413.1. The bond required to be filed in accordance with the provisions of Sections 17412 and 17413 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 released in whole or in part of further liability from 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. Bond

SEC. 13. Section 17417 is added to said code, to read:

17417. All papers, documents, reports and other instruments in writing filed with the commissioner under this division shall be open to public inspection, except that the commissioner may in his discretion withhold from public inspection for such time as in his judgment is necessary any information which in his judgment the public welfare or the welfare of any licensee requires to be so withheld. Open to public inspection

SEC. 14. Section 17418 is added to said code, to read:

17418. Any unclaimed money or property in the possession of an escrow agent four (4) years after the close of an escrow shall be paid into the State Treasury, subject to the provisions of Title 10 of Part 3 of the Code of Civil Procedure. Unclaimed money or property

SEC. 15. Article 14, comprising Section 1577, is added to Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure, to read:

Article 14. Unclaimed Property Held by Escrow Agents

1577. Notwithstanding any other provision of law, all unclaimed money or other property paid or delivered to the Treas- Receipt, disposal, etc., of unclaimed money or property

urer or Controller under the provisions of Division 6 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.

Expiration of license

SEC. 16. Any existing license under the Escrow Law other than a corporate license shall expire 60 days after the effective date of this act. The commissioner shall issue a license under the Escrow Law for the remainder of the calendar year to a corporation formed at the instance of an individual or partnership for the purpose of taking over and operating an existing licensed escrow business conducted by said individual or partnership upon surrender of such license and without payment of fee; provided, written request for such license together with the bonds required under the Escrow Law are filed with the commissioner on or before 60 days after the effective date of this act.

CHAPTER 1077

An act to amend Sections 2084, 2085, and 2086 of, and to add Sections 2084.1, 2084.2, and 2090 to, the Code of Civil Procedure, relating to the production and perpetuation of testimony.

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 2084 of the Code of Civil Procedure is amended to read:

Petition Contents

2084. The applicant must produce to a judge of the superior court a petition, verified by the oath of the applicant, stating:

1. That the applicant expects to be a party to an action in a court in this State, and, in such case, the names of the persons whom he expects will be adverse parties; or,

2. That the proof of some fact is necessary to perfect the title to property in which he is interested, or to establish marriage, descent, heirship, or any other matter which may hereafter become material to establish, though no suit may at the time be anticipated, or, if anticipated, he may not know the parties to such suit; and,

3. The name of the witness to be examined, his place of residence, and a general outline of the facts expected to be proved.

SEC. 2. Section 2085 of said code is amended to read:

Person taking deposition

2085. The person appointed by the judge to take the depositions is authorized, if a resident of this State, on receiving a copy of the order and proof that notice has been given as prescribed in said order, or, if a resident without the State, on receiving a copy of the order, and the commission mentioned in the next section, with proof that notice has been given as prescribed in said order; to take the deposition of the witness named in

the order of the judge, or in the commission, or, if more than one witness is thus named, of such of them as appear before him, at the time designated, and the taking of the same may be continued from time to time.

SEC. 3. Section 2086 of said code is amended to read:

Taking deposition in or out of State

2086. In the case of a deposition taken in this State, either the applicant or the party expectant, in person or by attorney may attend the examination and put such questions direct and cross as may be proper. In the case of a deposition taken out of this State, it must be taken upon a commission to be issued by the judge allowing the examination, under the seal of the court of which he is judge. If upon oral interrogatories, either the applicant or a party expectant may appear before the person to whom the commission is issued, in person or by attorney, and interrogate the witness; if upon written interrogatories, they must be settled in the same manner as in cases of depositions taken under commission in pending actions, unless the parties expectant, if known, otherwise agree; provided, however, that the notice of preparation and settlement of written interrogatories shall be given as prescribed in Section 2084.1. The deposition, when completed, must be carefully read to and subscribed by the witness, then certified by the officer or person taking the same, and shall then be sealed up and delivered or transmitted to the clerk of the county designated in the order of the judge allowing the examination, who shall file the same when received. The judge allowing the examination shall file with the clerk the order for the examination, the petition on which the same was granted, with proof of service of the order and notice.

SEC. 4. Section 2084.1 is added to said code, to read:

Petition for examination

2084.1. The judge to whom such petition is presented must make an order allowing the examination, designating the clerk of the county to whom the deposition must be returned when taken, designating the officer before whom the same must be taken, the place where the same must be taken, the time when the same must be taken, and prescribing the time and manner of giving notice, which designations shall be in the discretion of the judge except as hereafter specified:

Notice

A. The following notice shall be given if the deposition is to be taken within this State or upon oral interrogatories out of this State:

1. If the parties expectant are known and reside within this State, they must be personally served with notice of the time and place of taking the deposition.

2. If the parties expectant are known and reside out of this State, notice of the time and place of taking the deposition shall be given by publication in the manner and for the time provided by law for publication of summons; provided, however, that the judge may shorten the period of publication for good cause shown.

3. If the parties expectant are unknown, notice of the time and place of taking the deposition must be served by publication thereof in some newspaper to be designated by the judge

for the same period required for the publication of summons; provided, however, that the judge may shorten the period of publication for good cause shown.

Same

B. The following notice shall be given if the deposition is to be taken out of this State upon written interrogatories:

1. If the parties expectant are known and reside within this State, they must be personally served with notice of the time and place fixed by the judge for the settlement of interrogatories. In the order settling written interrogatories, the judge shall fix the time and place and designate the officer for the taking of such deposition and shall prescribe the notice thereof which shall be given to the parties expectant and the manner of giving such notice.

2. If the parties expectant are known and reside out of this State, the judge shall fix the time and place for the settlement of interrogatories. Notice thereof shall be given by publication in the manner and for the time provided by law for publication of summons; provided, however, that the judge may shorten the period of publication for good cause shown. In the order settling written interrogatories, the judge shall fix the time and place and designate the officer for the taking of such deposition and shall prescribe the notice thereof which shall be given to the parties expectant and the manner of giving such notice.

3. If the parties expectant are unknown the judge shall fix the time and place for the settlement of interrogatories. Notice thereof must be served by publication thereof in some newspaper to be designated by the judge, for the same period required for the publication of summons; provided, however, that the judge may shorten the period of publication for good cause shown. In the order settling written interrogatories, the judge shall fix the time and place and designate the officer for the taking of such deposition and shall prescribe the notice thereof which shall be given and the manner of giving such notice, or may dispense with notice thereof if no one other than the applicant has appeared.

SEC. 5. Section 2084.2 is added to said code, to read:

Conditions

2084.2. In order to protect the party expectant and any witness from abuse of process, the judge who signs the order allowing the examination may impose such reasonable conditions, in addition to those in this chapter provided, as in his discretion will provide reasonable protection to such party expectant or witness. The judge may, in his discretion, order the deposition to be sealed when returned to the clerk, to be opened thereafter only upon order of the court.

SEC. 6. Section 2090 is added to said code, to read:

Subpena duces tecum

2090. If the applicant requires a subpena duces tecum for the production of books, documents or other things under the control of the intended witness, the applicant shall include a request for a subpena duces tecum in the verified petition for the order allowing the examination, or in a verified supplemental

petition, and shall allege in said petition: (a) the nature of the anticipated action or matter; (b) that the evidence expected to be elicited and the books, documents or other things desired to be produced will be material to the issues expected to be involved, setting forth and showing in full detail the materiality of the books, documents or other things to such issues; (c) the matters or things so desired to be produced; and (d) that such matters or things are in the possession or under the control of the intended witness. Upon such showing, the judge to whom the petition is presented must include in the order allowing the examination an order to the clerk of the superior court for the issuance of a subpena duces tecum, which shall specify the books, documents or other things to be produced, and the time and place for producing them.

CHAPTER 1078

An act to amend Section 28148 of the Government Code, relating to the compensation for public service in counties of the forty-eighth 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 28148 of the Government 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 officers Salaries

(a) The auditor, four thousand two hundred dollars ($4,200) a year.

Auditor

(b) The district attorney, six thousand dollars ($6,000) a year.

District attorney

(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.

Supervisor

(d) Grand jurors and trial jurors in the superior court shall receive six dollars ($6) for each day's attendance, and eight cents ($0.08) for each mile actually traveled for each day's attendance.

Jurors

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 1079

An act to repeal Sections 73392, 73393, 74042, and 74043 of, and to add Sections 73392, 73393, 74042, and 74043 to, the Government Code, relating to the compensation of attaches of the municipal court.

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:

Repeal

SECTION 1. Sections 73392, 73393, 74042, and 74043 of the Government Code are repealed.

SEC. 2. Section 73392 is added to said code, to read:

Clerk Salary

73392. There shall be one clerk who shall receive a minimum salary of four hundred twelve dollars ($412) monthly with annual increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24) to a maximum of five hundred two dollars ($502) monthly.

SEC. 3. Section 73393 is added to said code, to read:

Appointments Salaries Court clerks

73393. The clerk may appoint:

(a) Three deputy clerks who shall be court clerks, each of whom shall receive a minimum salary of three hundred seven dollars ($307) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), and eighteen dollars ($18) to a maximum of three hundred seventy-three dollars ($373) monthly.

Typists

(b) Eleven deputy clerks who shall be typists, each of whom shall receive a minimum salary of two hundred twenty-nine dollars ($229) monthly with annual increments of eleven dollars ($11), twelve dollars ($12), thirteen dollars ($13), and thirteen dollars ($13) to a maximum of two hundred seventy-eight dollars ($278) monthly.

Principal clerk

(c) One deputy clerk who shall be principal clerk and who shall receive a minimum salary of three hundred twenty-two dollars ($322) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), and nineteen dollars ($19) to a maximum of three hundred ninety-two dollars ($392) monthly.

Senior clerk

(d) One deputy clerk who shall be senior clerk and who shall receive a minimum salary of two hundred sixty-five dollars ($265) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred twenty-two dollars ($322) monthly.

SEC. 4. Section 74042 is added to said code, to read:

Clerk Salary

74042. There shall be one clerk who shall receive a minimum salary of four hundred twelve dollars ($412) monthly with annual increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24) to a maximum of five hundred two dollars ($502) monthly.

SEC. 5. Section 74043 is added to said code, to read:

74043. The clerk may appoint:

Appointments Salaries Court clerks

(a) Two deputies who shall be court clerks at a minimum salary of three hundred seven dollars ($307) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), and eighteen dollars ($18) to a maximum of three hundred seventy-three dollars ($373) monthly.

Typists

(b) Six deputy clerks who shall be typists at a minimum salary of two hundred twenty-nine dollars ($229) monthly with annual increments of eleven dollars ($11), twelve dollars ($12), thirteen dollars ($13), and thirteen dollars ($13) to a maximum of two hundred seventy-eight dollars ($278) monthly.

CHAPTER 1080

An act to amend Sections 25450 and 25450.4, and to add Section 25457.4 to the Government Code, relating to the construction of county buildings.

[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 25450 of the Government Code is amended to read:

When construction exceeds $2,000

25450. Whenever the estimated cost of construction of any wharf, chute, or other shipping facility, or of any hospital, almshouse, courthouse, jail, historical museum, aquarium, county free library building, branch library building, art gallery, art institute, exposition building, stadium or other public building or the cost of any repairs thereto or furnishing thereof, exceeds the sum of two thousand dollars ($2,000), exclusive of the estimated cost of materials or supplies to be furnished pursuant to Section 25457, the work shall be done by contract. Any such contract not let pursuant to this article is void.

SEC. 2. Section 25450.4 of the Government Code is amended to read:

Construction less than $4,500

25450.4. In counties containing a population of 2,000,000 or over, the work referred to in Section 25450 need not be done by contract if the estimated cost thereof is less than four thousand five hundred dollars ($4,500), exclusive of the estimated cost of materials or supplies to be furnished pursuant to Section 25457.

SEC. 3. Section 25457.4 is added to the Government Code, to read:

Construction $3,500 or less

25457.4. In counties containing a population of 2,000,000 or over and employing a purchasing agent, furnishings, materials and supplies to be used in the construction or repair of any of the works mentioned in Section 25450 and estimated as costing not more than three thousand five hundred dollars

($3,500) may be purchased by the purchasing agent in accordance with Article 7 of this chapter without the formality of obtaining bids, letting contracts, preparing specifications, or the other things required by this article, and the estimated cost thereof shall not be considered or included in the estimate of the cost of construction for the purposes of Sections 25450 and 25450.4.

CHAPTER 1081

An act to amend Sections 1090, 1091, 1092, 36525, 36526 and 36527 of the Government Code, relating to contracts of public officers.

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 1090 of the Government Code is amended to read:

Interest in contracts

1090. Members of the Legislature, state, county, judicial district, and city officers shall not be interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, judicial district, and city officers be purchasers at any sale or vendors at any purchase made by them in their official capacity.

SEC. 2. Section 1091 of said code is amended to read:

Expenses

1091. An officer shall not be deemed to be interested in a contract if his interest is that of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty.

SEC. 3. Section 1092 of said code is amended to read:

Avoidance

1092. Every contract made in violation of any of the provisions of Section 1090 may be avoided at the instance of any party except the officer interested therein. No such contract may be avoided because of the interest of an officer therein unless such contract is made in the official capacity of such officer, or by a board or body of which he is a member.

SEC. 4. Section 36525 of said code is amended to read:

Interest in contracts City officers

36525. City officers shall not be interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall city officers be purchasers at any sale, or vendors at any purchase, made by them in their official capacity.

SEC. 5. Section 36526 of said code is amended to read:

Expenses

36526. An officer shall not be deemed to be interested in a contract if his interest is that of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty.

SEC. 6. Section 36527 of said code is amended to read:

Avoidance

36527. Any contract made in violation of Section 36525 may be avoided at the instance of any party except the officer in-

terested in the contract. No such contract may be avoided because of the interest of an officer therein unless such contract is made in the official capacity of such officer, or by a board or body of which he is a member.

CHAPTER 1082

An act to amend Section 434 of the Military and Veterans Code, relating to the acquisition of armory sites and the construction of armories and facilities required for the use of the state military forces, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 8, 1953. Filed with Secretary of State June 9, 1953.]

In effect immediately

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

SECTION 1. Section 434 of the Military and Veterans Code is amended to read:

434. The Adjutant General, under the direction of the Governor, shall make and enforce regulations for the government and control of such armories and where appropriations have been made therefor, may purchase, receive by donation or otherwise acquire or lease real estate for armory or storage purposes and where appropriations have been made therefor may construct and build armories, buildings, structures and facilities required for the use of the Adjutant General and the military forces of this State.

Armories, etc. Control, acquisition, etc.

SEC. 2. 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 state military forces is an important and integral part of the defense preparations of the State. The international situation requires immediate provision for the construction of armories and facilities within the limits of available appropriations for the National Guard and militia of the State. It is imperative that during the present emergency adequate provisions be immediately made concerning the construction of adequate facilities for the state military forces.

CHAPTER 1083

An act to add Section 203.7 to the Welfare and Institutions Code, relating to the obligation of each county to pay for the hospital treatment of its indigent residents.

[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 203.7 is added to the Welfare and Institutions Code, to read:

Treatment furnished by other county hospital

203.7. Unless there exists a reciprocal agreement relating to the expense of medical care and treatment, it shall be the duty of every county to pay for the expense of treatment of its indigent residents furnished by the county hospital of any other county. As a condition of liability, the county providing such medical and hospital care shall, not more than ten (10) days after admission, give notice to the county of residence.

CHAPTER 1084

An act to repeal Part 1, of Division 8 of the Harbors and Navigation Code, relating to municipal port districts.

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:

Repeal

SECTION 1. Part 1 of Division 8 of the Harbors and Navigation Code 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 1085

An act to add Section 7431.3 to the Education Code, relating to school district bonding capacity.

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 7431.3 is added to the Education Code, to read:

Bonds Limitations

7431.3. Any high school district maintaining a junior college may issue bonds not to exceed 10 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.

For the purposes of Chapters 1.6 and 19 of Division 3 only, any high school district maintaining a junior college, shall be considered to have a bonding capacity in the amount permitted by law for a high school district, and a bonding capacity in the amount permitted by law for a junior college district. Any high school district maintaining a junior college if otherwise eligible may receive an apportionment for high school purposes alone,

for junior college purposes alone, or for any combination of such purposes.

Computation of outstanding bonded indebtedness

In computing the outstanding bonded indebtedness of any high school district maintaining a junior college for all purposes of this section, any outstanding bonds shall be deemed to have been issued for 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 high school district maintaining a junior college to each of said purposes respectively.

CHAPTER 1086

An act to amend Section 21 of the Alcoholic Beverage Control Act (Chapter 330 of Statutes of 1935) and to amend Section 23986 of the Business and Professions Code, relating to applications for on-sale liquor licenses.

[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 21 of the act cited in the title hereof is amended to read:

Notice of intent to sell beverages

Sec. 21. Before commencing to engage in the sale of any alcoholic beverage at any premises, notice of intention to so commence, must be posted in a conspicuous place at the entrance to such premises. Licenses will not be issued for such premises until such notice has been so posted for 15 consecutive days immediately prior to the issuance of the licenses. The notice herein specified shall be in such form as the board shall prescribe.

Notifying law enforcement agencies, etc

Upon the receipt by the board of an original application for any license, written notice thereof shall immediately be mailed by said board to the sheriff, chief of police and district attorney of such locality, 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 or city and county in which the premises are situated, if situated within an incorporated area.

Limitation

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

Upon receipt by the board within such 15 days of a protest by the governing body of the city, city and county, or county to whom such notice has been mailed against the issuance of a license, the board shall not issue such license until after a public hearing is held by the board within the county, city and county, or city affected.

Publication of application

All applicants for on-sale licenses shall, within ten (10) days after filing their application with the board, cause a notice of such 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 such premises are situated, or if such premises are not in a city then such publication shall be made in a newspaper of general circulation nearest the premises where the business is to be conducted. The form of such notice shall be prescribed by the board. Affidavit of publication shall be filed with the board prior to the issuance of any license. 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.

SEC. 2. Section 23986 of the Business and Professions Code is amended to read:

Publication of application

23986. Any applicant for an on-sale license shall, within ten (10) 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.

Effect Stats 1953, Ch 152

SEC. 3. 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 21 of the Alcoholic Beverage Control Act (Chapter 330 of the Statutes of 1935) amended by this act is repealed.

CHAPTER 1087

An act to amend Section 25502.5 of the Government Code, relating to the duties of county purchasing agents.

In effect September 9, 1953

[Approved by Governor June 9, 1953. Filed with Secretary of State June 10, 1953.]

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

SECTION 1. Section 25502.5 of the Government Code is amended to read:

County purchasing agent Employment of independent contractors

25502.5. In counties having a population of 2,000,000 or more the purchasing agent shall have the duty to engage independent contractors to perform sundry services for the county and the officers thereof, with or without the furnishing of material, where the estimated aggregate cost does not exceed six thousand five hundred dollars ($6,500).

CHAPTER 1088

An act to amend Section 25461 of the Government Code, relating to public work.

[Approved by Governor June 9, 1953 Filed with Secretary of State June 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 25461 of the Government Code is amended to read:

25461. If any change or alteration of the contract is ordered, it shall be specified in writing and the cost agreed upon between the board and the contractor. If the cost so agreed upon:

Contract changes or alterations

(a) Does not exceed the amounts specified in Sections 25450 and 25457, or

(b) Does not exceed 10 percent of the original contract price,

the board may authorize the contractor to proceed with the change or alteration without the formality of obtaining bids therefor.

No change or alteration shall be authorized the amount of which is within the limitation specified in subdivision (b) and in excess of the limitation specified in subdivision (a) except by four-fifths vote of the board.

CHAPTER 1089

An act to amend Section 797 of the Fish and Game Code, relating to abalone.

[Approved by Governor June 9, 1953 Filed with Secretary of State June 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 797 of the Fish and Game Code is amended to read:

797. Abalone meat may not be transported out of the State except as provided herein. Abalone trimmings when ground and canned or frozen or made into meal or chowder may be transported out of the State.

Abalone meat

CHAPTER 1090

An act to amend Section 6060 of the Business and Professions Code, relating to licenses to practice law.

[Approved by Governor June 9, 1953. Filed with Secretary of State June 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6060 of the Business and Professions Code is amended to read:

Qualifications for applicants

6060. To be certified to the Supreme Court for admission and a license to practice law, a person who does not comply with Section 6062 shall:

(a) Be a citizen of the United States.

(b) Be of the age of at least 21 years.

(c) Be of good moral character.

(d) Have been a bona fide resident of this State for at least three months immediately prior to the date of his final bar examination.

(e) Before beginning the study of law, have either:

(1) Completed at least two years of college work, which college work shall be not less than one-half of the collegiate work acceptable for a bachelor's degree granted upon the basis of a four-year period of study by a college or university approved by the examining committee; or

(2) Reached the age of 23 years and have attained in apparent intellectual ability the equivalent of at least two years of the college work hereinabove defined. Such equivalent with respect to a person applying for admission to a law school accredited by the examining committee shall be determined by the dean or faculty thereof and with respect to all other persons shall be determined by the examining committee. The determination by the examining committee may be made after a personal interview with the person or the examining committee may require him to pass a written examination. Such examination may be given by the examining committee, or, if the examining committee so elects, the examination may be given under its supervision by such members of the faculty of a college as the examining committee may select or by the Department of Education of this State; provided, however, that any person who receives an adverse determination by the committee without an examination or fails an examination given directly by the committee shall, upon demand made within 30 days after receiving notice thereof, have the right to be re-examined either by such faculty members or department as the committee may decide. In the event that the examination is given by the Department of Education, a fee for such examination shall be charged by the department, which fee shall not exceed fifteen dollars ($15).

The requirements of this subdivision (2) shall not apply to a person who had reached the age of 25 years prior to commencing the study of law and who commenced such study and registered with the examining committee as provided in subdivision (f) of this section prior to January 1, 1955.

(f) Have registered with the examining committee as a law student within three months after beginning the study of law. The examining committee, upon good cause being shown, may permit a later registration.

(g) Have either:

(1) Graduated from a law school accredited by the examining committee requiring substantially the full time of its students for three years.

(2) Graduated from a law school accredited by the examining committee requiring a part only of its students' time for four years.

(3) Studied law diligently and in good faith for at least four years, which study shall be:

(i) In a law school that is authorized to confer professional degrees and requires classroom attendance of its students for a minimum of 270 hours a year; or

(ii) In a law office in this State and under the personal supervision of a member of the State Bar of California who is, and for at least five years last past continuously has been, engaged in the active practice of law; or

(iii) In the chambers and under the personal supervision of a judge of a court of record of this State; or

(iv) By instruction in law from a correspondence law school requiring 864 hours of preparation and study per year for four years.

(v) By any combination of the methods referred to in subdivision (3).

It shall be the duty of the attorney or judge referred to in paragraphs (ii) and (iii) to render such periodic reports to the examining committee as the committee may require.

(4) Commenced the study of law and registered as a law student as provided in subdivision (f) hereof prior to January 1, 1954, and completed four years of law study, diligently and in good faith.

(h) Have passed a final bar examination given by the examining committee.

(i) After completion of his first year of law study, have passed a first-year law students' examination given by the examining committee. This requirement shall not apply to a student who satisfactorily completes the first-year course of instruction in a law school accredited by the examining committee and who either (1) commenced the study of law and registered with the examining committee as provided in subsection (f) hereof prior to January 1, 1954, or (2) had completed at least two years of college work as hereinabove defined prior to matriculating in such accredited law school, nor shall this requirement apply to an applicant who has passed the bar examination of a sister state or of a country wherein the common law of England constitutes the basis of jurisprudence. An applicant who is required to take such first-year examination shall not receive credit for his first year of law study until he has passed such examination; nor shall he receive credit for any law study subsequent to the first year, and before he shall have passed such examination, unless for good cause in a particular case the committee decides that credit should be given for such subsequent study or for some part thereof.

CHAPTER 1091

An act to amend Section 29923 of the Government Code, relating to bonded indebtedness of counties and the levy of taxes to pay the principal of and interest on county bonds.

In effect September 9, 1953

[Approved by Governor June 9, 1953. Filed with Secretary of State June 10, 1953.]

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

SECTION 1. Section 29923 of the Government Code is amended to read:

Tax for interest and redemption of bonds

29923. The tax for interest and redemption of bonds shall be in addition to all other taxes, and shall not be less than sufficient to pay the interest on the bonds and such portion of the principal, if any, as is to become due before the time for making the next general tax levy. It shall also be sufficient to constitute a sinking fund for the payment of the principal of the bonds on or before maturity. Before or at the time of issuing the bonds, the board shall by ordinance provide for the levy of an annual tax sufficient to effect the objects of this section.

CHAPTER 1092

An act to amend Sections 5853 and 19290 of the Streets and Highways Code, and Sections 14258.6, 14549, and 14814 of the Health and Safety Code, relating to the creation and alteration of city boundaries.

In effect September 9, 1953

[Approved by Governor June 9, 1953. Filed with Secretary of State June 10, 1953.]

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

SECTION 1. Section 5853 of the Streets and Highways Code is amended to read:

Withdrawal of territory County maintenance district

5853. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion shall be withdrawn from the district. 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 all taxes levied and collected by the district in any year in which taxes are levied and collected by the district after the date of withdrawal on property withdrawn from the district, 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.

SEC. 2. Section 19290 of said code is amended to read:

Same Highway lighting district

19290. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion shall be withdrawn from the district. 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 all taxes levied and collected by the district in any year in which taxes are levied and collected by the district after the date of withdrawal on property withdrawn from the district, 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.

SEC. 3 Section 14258.6 of the Health and Safety Code is amended to read:

Same: Fire protection district in unincorporated area

14258.6. 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 all taxes levied and collected by the district in any year in which taxes are levied and collected by the district after the date of withdrawal on property withdrawn from the district, 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.

SEC. 4. Section 14814 of said code is amended to read:

Same County fire protection district in one or more counties

14814. 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 all taxes levied and collected by the district in any year in which taxes are levied and collected by the district after the date of withdrawal on property withdrawn from the district, 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.

SEC 5. Section 14549 of said code is amended to read:

Same: County fire protection district

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 all taxes levied and collected by the district in any year in which taxes are levied and collected by the district after the date of withdrawal on property withdrawn from the district, 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 1093

An act to amend Sections 1260, 1261 and 1276 of, and to repeal Section 1262 of, the Fish and Game Code, and to repeal Section 6 of Chapter 745 of the Statutes of 1949, relating to taking of deer with bow and arrow.

In effect September 9, 1953

[Approved by Governor June 9, 1953 Filed with Secretary of State June 10, 1953]

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

SECTION 1. Section 1260 of the Fish and Game Code is amended to read:

Taking deer by archery

1260. In every district or area in which deer may lawfully be taken an archery season is hereby established for the taking of deer with bow and arrow. Such season for each district or area shall be as the commission may prescribe with a minimum interposing interval of three days immediately preceding the regular open season on deer in that district or area.

SEC. 2. Section 1261 of said code is amended to read:

Hunting license, etc.

1261. Any person taking deer pursuant to Sections 1260 to 1263 inclusive must possess a valid hunting license and deer license tag as provided in Sections 1276 to 1278 inclusive.

Repeal

SEC. 3. Section 1262 of said code is repealed.

SEC. 4. Section 1276 of said code is amended to read:

License tag

1276. It is unlawful to take any deer with firearm or bow and arrow without first procuring a license tag authorizing the taking of such deer in accordance with the provisions of this article.

Repeal

SEC. 5. Section 6 of Chapter 745 of the Statutes of 1949 is repealed.

CHAPTER 1094

An act amending Sections 11511, 11543, and 11575 of the Business and Professions Code, relating to real estate subdivisions.

In effect September 9, 1953

[Approved by Governor June 9, 1953 Filed with Secretary of State June 10, 1953.]

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

SECTION 1. Section 11511 of the Business and Professions Code is amended to read:

11511. "Improvement" refers to only such street work and utilities to be installed, or agreed to be installed by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map or filing of the record of survey map thereof. "Improvement"

SEC. 2. Section 11543 of the Business and Professions Code is amended to read:

11543. Whenever a local ordinance requires that a subdivider install sewers as a condition precedent to the acceptance of a final map or filing of the record of survey map, and where, in the opinion of the governing body it is necessary that laterals or other facilities be constructed which can be, or will be, used in the disposal of sewage from property in the subdivision, and such sewers are dedicated to the public, the governing body may by contract with the subdivider agree to reimburse and may reimburse the subdivider for such lateral or other facility. Such contract shall provide that the governing body may collect from any person using such lateral or other facility for the disposal of sewage from property not within such subdivision a reasonable charge for such use. Reimbursement for sewers dedicated to public

SEC. 3. Section 11575 is amended to read:

11575. If the subdivider does not elect to prepare and record a final map, then before proceeding with the sale of any part of the subdivision, he shall file, in the office of the county recorder, a record of survey map conforming, in respect to design, to the approved tentative map or maps. Filing survey map

In this event, the governing body may require such improvements as are reasonably necessary for sewage disposal, lot access and local neighborhood traffic and drainage needs.

The construction of any of these improvements may be accomplished as provided in Article 9.

CHAPTER 1095

An act to amend Section 4 of the Municipal Improvement Act of 1913 (Chapter 247 of the Statutes of 1913) and Section 10306 of the Streets and Highways Code, relating to the acquisition or construction of local improvements.

[Approved by Governor June 9, 1953. Filed with Secretary of State June 10, 1953.] In effect September 9, 1953

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

SECTION 1. Section 4 of the act cited in the title hereof is amended to read:

Sec. 4. After the passage of the resolution of intention and the filing of the said report and the setting of the time and place for hearing protests, the clerk of the said city council shall cause Notice of improvement Posting, etc

to be conspicuously posted on all the open streets within such district, at not more than 300 feet apart on each street so posted, but not less than three in all, notices of the passage of said resolutions. Said notice shall be headed "Notice of Improvement," in letters of not less than one inch in height, and shall in legible characters, state the fact and date of passage of the resolution and of the filing of said report and the date, hour and place set for the hearing of said protests, and briefly describe the improvement proposed to be made or acquired, and refer to said resolution of intention and report for further particulars. He shall also cause a notice similar in substance to be published by two successive insertions in a daily or weekly newspaper, published and circulated in said municipality, and designated by said council for that purpose. Said notices must be posted and published, as above provided, at least 20 days before the date set for hearing of said protests. No proceeding shall ever be held invalid for failure to post any street or streets therein as above provided if these provisions have been substantially complied with. The clerk shall mail or cause to be mailed notices of the adoption of the resolution of intention and the filing of said report, postage prepaid, at least 20 days before the date set for hearing of said protests, to all persons owning real property proposed to be assessed, whose names and addresses appear on the last equalized assessment roll for city taxes prior thereto or as known to the clerk but failure of the clerk to mail said notice to any such property owner or failure of any such property owner to receive the same shall in no wise affect the validity of any proceedings taken hereunder. 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. Such notice shall contain a statement of the time, place and purpose of the hearing on the resolution of intention and report and a statement of the total estimated cost of the proposed improvement, the amount, as shown by the said report, to be assessed against the particular parcel covered by the notice together with a statement that any person interested may file a protest in writing as provided in this act.

The clerk of the council shall upon the completion of the mailing of such notices, file with the city council an affidavit setting forth the time and manner of the compliance with the above requirements for publishing, posting and mailing such notices.

SEC. 2. Section 10306 of the Streets and Highways Code is amended to read:

Notice of hearing

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. 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.

Effect Stats 1953, Ch 192

SEC. 3. Section 2 of this act becomes 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 takes effect, at which time Section 4 of the Municipal Improvement Act of 1913 (Chapter 247 of the Statutes of 1913) amended by this act is repealed.

CHAPTER 1096

An act declaring certain lands in the City of Newport Beach, County of Orange, free from the public trust for navigation and fisheries and declaring same to be free from certain trusts, uses and conditions.

[Approved by Governor June 9, 1953. Filed with Secretary of State June 10, 1953.]

In effect September 9, 1953

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

City of Newport Beach

SECTION 1. The following described lands lying in the City of Newport Beach, County of Orange, State of California, are hereby determined and declared to be unavailable for navigation or for any of the uses, trusts and conditions as set out in Chapter 494 of the Statutes of 1919 and in Chapter 70 of the Statutes of 1927, respectively, and said lands are hereby freed of the public trust for navigation and fisheries and from the uses, trusts and conditions set out in said respective acts:

All those certain lands described as follows:

Beginning at the westerly terminus of the ordinary high tide line of the Pacific Ocean in Newport Bay and designated as "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 19th, 1928, in Book 201, page 253, Official Records of Orange County, California; said point also being in the former southerly line of the California State Highway having a width of 80 feet and lying 40 feet southerly of Engineer's Station 683 + 40.95 on the center line of said State Highway and said point also bears south 5° 55′ 18″ east, 1,113.01 feet from the northwest corner of the northeast one quarter of Section 29, Township 6 South, Range 10 West, S. B. B. & M.; thence easterly along said "North Line," south 60° 19′ 50″ east a distance of 577.07 feet; thence south 66° 44′ 18″ east, a distance of 584.64 feet; thence south

58° 28′ 28″ east a distance of 1,085.28 feet; thence south 74° 17′ 11″ east a distance of 881.65 feet; thence south 37° 15′ 30″ east to the intersection with the northeasterly prolongation of the southeasterly line of Lot 2, Block 244, as said line is laid out and shown upon a map of Canal Section, recorded in Miscellaneous Map Book 4, page 98, Records of said Orange County; thence southwesterly along said northeasterly prolongation to its intersection with the line designated as "South Line" in said decree in Court Case No. 23686; thence northwesterly along said "South Line," north 37° 15′ 30″ west to an angle point in said "South Line"; thence north 74° 17′ 11″ west a distance of 874.01 feet; thence north 58° 28′ 28″ west a distance of 1,087.96 feet; thence north 66° 44′ 18″ west a distance of 584.00 feet; thence north 60° 19′ 50″ west a distance of 673.69 feet to a point in the aforementioned former southerly line of California State Highway having a width of 80 feet; thence south 83° 18′ 00″ east along said former southerly line a distance of 102.50 feet to the point of beginning.

CHAPTER 1097

An act to amend Section 14745 of and to add Sections 14745.5 and 14745.6 to the Education Code, relating to the use and disposition of certain funds in the possession of school districts discontinuing local district retirement plans.

In effect September 9, 1953

[Approved by Governor June 9, 1953. Filed with Secretary of State June 10, 1953.]

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

SECTION 1. Section 14745 of the Education Code is amended to read:

Discontinuance of district retirement plan

14745. (a) A district retirement salary plan established under this article in any unified district having an average daily attendance of less than 70,000 pupils may be discontinued by the governing board of the district; but no discontinuance of any such retirement plan shall be effective for any purpose unless provision is made for retirement allowances for active and retired employees of the district as provided in subdivisions (b), (c), (d), and (e) of this section.

Transfer to State Employees' Retirement System

(b) Active and retired employees of the district who otherwise would be members of such plan, other than teachers and persons employed in a status requisite for membership in the State Teachers' Retirement System or who were so employed prior to retirement, shall be made members and beneficiaries, respectively, of the State Employees' Retirement System according to the provisions of Part 3, of Division 5, of Title 2 of the Government Code, including transfer to said system of the accumulated contributions of said employees, together with such other assets of said plan allocated to said employees as may be determined.

(c) Notwithstanding any other provisions of this division, contributions to the discontinued district retirement plan made by teachers and other persons employed by the district in a status requisite for membership in the State Teachers' Retirement System standing to their individual credit at the date of discontinuance of the district retirement plan shall be deposited forthwith in the Retirement Annuity Fund with credited interest, to be applied on the amount due from said teachers and other persons under Section 14680 of this code, but not to exceed the amount so due. Likewise an amount equal to the actuarial equivalent of the annuity portion of the retirement allowance to which the respective retired teachers and other persons employed by the district, prior to retirement, in a status requisite for membership in the State Teachers' Retirement System were entitled under said plan, based on the interest rate and mortality tables used in its determination, shall be deposited in the Retirement Annuity Fund, to be applied on the amount due from said respective retired teachers and other persons under Section 14683 of this code, but not to exceed the amount so due. Any excess of the contributions with credited interest or the actuarial equivalents, as the case may be, over the respective amounts due under said sections, shall be paid forthwith to the respective active and retired teachers and other persons. Further amounts, if any, due under said sections after said deposits, shall be paid to the Retirement Annuity Fund by the respective active and retired teachers and other persons The balance of the assets held in the various funds of the discontinued district retirement plan after the deposits and payments required by this section, shall be delivered to the district in which the plan is discontinued, to be used as provided in subdivision (e) of this section.

Disposition of contributions, etc

(d) The district in which the district retirement plan is discontinued shall pay monthly to teachers and other persons employed by the district, prior to retirement, in a status requisite for membership in the State Teachers' Retirement System who were retired prior to the date of such discontinuance an amount equal to the amount by which the retirement allowance to which any of said retired teachers or other persons was entitled under said plan exceeds the increase in said teacher's or other person's retirement allowance under the State Teachers' Retirement System resulting from said discontinuance. If the amount payable to any such teacher or other person, under the sentence next preceding, is less than two dollars ($2), the district may pay, in lieu of such amount, one amount which shall be actuarially equivalent to such monthly amount thereafter payable, according to the interest rate and mortality table used in the determination of the teacher's or other person's retirement allowance under the said district retirement plan. The payment of such actuarially equivalent amount shall discharge fully the district's liability to such teacher or other person under this subdivision (d). The arrangement under which said amounts are paid by said district shall not be considered to

Payments to teachers, etc

be a local retirement system for the purposes of Chapter 14, of Division 7, of the Education Code, nor shall said amount be taken into account in the calculation of retirement allowances under the State Teachers' Retirement System.

Reserve fund

(e) From the assets delivered to it pursuant to subdivision (c) the district shall create a reserve fund which shall be the actuarial equivalent of the amounts to be paid to retired teachers and other persons under subdivision (d), and the amounts payable under subdivision (d) shall be paid from that reserve fund. If the reserve fund as first created proves insufficient to make the payments required under subdivision (d), the district shall make such additions to the reserve fund as may be necessary to provide for the payments required under subdivision (d). The remainder of the assets delivered to the district pursuant to subdivision (c), after the creation of the reserve fund for payments under subdivision (d), shall be placed in a special reserve, of which part shall be used first as provided in Section 14745.5, and the part remaining shall be used annually in the interest of the employees of the district, at the discretion of the governing board of the district.

SEC. 2. Section 14745.5 is added to said code, to read:

Special reserve

14745.5. (a) The special reserve resulting from the discontinuance of a district retirement salary plan as provided in Section 14745, and a part of which is to be used annually in the interest of the employees of the district, at the discretion of the governing board, shall be used first as provided in this section.

Credits

(b) The district in which the district retirement plan is discontinued shall credit each teacher or other person employed by the district at the time of discontinuance, in a status requisite for membership in the State Teachers' Retirement System, with an amount which bears the same ratio to the portion of the assets delivered to the district pursuant to subdivision (c) of Section 14745, which remains after the creation of the reserve fund for payments under subdivision (d) of Section 14745, as required by subdivision (e) of Section 14745, as the accumulated contributions credited to the said member in his individual contribution account under the discontinued retirement plan at the time of discontinuance, bore to the total accumulated contributions so credited to all such teachers and persons, but such credit to any active member shall not exceed the amount of the member's accumulated contributions so credited at that time. The amount so credited to any person shall be increased by interest at rates approved from time to time by the governing board of the district, and the accumulated amount at the date upon which the person retires for service or disability under the State Teachers' Retirement System shall be applied according to rates and tables adopted by the said governing board and then in effect, to provide an annuity payable to the person throughout the balance of his life, but subject to Section 14637, which provides for an election by the member as to options, in the same manner that the member's retirement allowance under

the State Teachers' Retirement System is subject to Section 14637, if the annuity which would be so provided is at least two dollars ($2) per month; otherwise said accumulated amount shall be paid in one sum to the person, in lieu of the annuity. If the person dies prior to retirement, the said amount, with credited interest, shall be paid to his designated beneficiary, as it appears on the records of the district, if any, otherwise to the member's estate. If the person ceases to be employed by the district for any reason other than death, retirement, or attainment of the age at which his classification as a permanent employee ceases, he shall no longer be credited with or have any right to the said accumulated amount, but the amount shall revert to and belong to the district. If any such active member has retired, died before retirement under the State Teachers' Retirement System, or ceased to be employed by the district by reason of his attainment of the age at which his classification as a permanent employee ceased, between the date of discontinuance of the district retirement plan and the effective date of this section, an annuity or death benefit, as the case may be, nevertheless shall be paid with the same effect as if this section had been in effect at the time of his retirement, death, or cessation of employment by the district. The arrangement under which annuities and death benefits are paid by a district under this subdivision shall not be considered to be a local retirement system for the purposes of Chapter 14 of Division 7 of this code, nor shall such payments be taken into account in the calculation of retirement allowances under the State Teachers' Retirement System.

Reserve fund

(c) From the assets delivered to it pursuant to subdivision (c) of Section 14745, the district shall create a reserve fund equal in amount to the total contributions credited to employees of the district, under subdivision (b) of this section, and the annuities and death benefits payable under subdivision (b) of this section shall be paid from this reserve fund. If the reserve fund as first created proves insufficient to make the payments required under subdivision (b), the district shall make such additions to the reserve fund as may be necessary to provide for such payments.

SEC. 3. Section 14745.6 is added to said code, to read:

Person retired prior to January 1, 1953

14745.6. If any person who was retired prior to January 1, 1953, from a position requisite for membership in the State Teachers' Retirement System, under a district retirement salary plan which has been discontinued pursuant to Section 14745, elected either under the said plan or under the said system, but not under both, to have his retirement allowance modified according to an option under which he would receive a smaller allowance and provide a benefit for his beneficiary, said person shall have the right, to be exercised not later than sixty (60) days after the effective date of this section, to change his election under the State Teachers' Retirement System with respect to said options. Any computations of actuarial equivalents under a changed election shall be made as of the said effective

date, and no adjustment shall be included in the computation on account of retirement allowance payments made prior to that date.

CHAPTER 1098

An act to repeal Chapter 1, comprising Sections 1200 to 1251, inclusive, of Division 2 of the Health and Safety Code and to add Chapter 1 comprising, Sections 1200 to 1237, inclusive, to Division 2 of said code, relating to the regulation and licensing of clinics and dispensaries.

In effect September 9, 1953

[Approved by Governor June 9, 1953. Filed with Secretary of State June 10, 1953.]

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

Repeal

SECTION 1. Chapter 1 comprising Sections 1200 to 1251, inclusive, of Division 2 of the Health and Safety Code is repealed.

SEC. 2. Chapter 1, comprising Sections 1200 to 1237 inclusive, is added to Division 2 of said code, to read:

CHAPTER 1. CLINICS AND DISPENSARIES

Article 1. Definitions and General Provisions

License

1200. No person, corporation, or political subdivision of the State, or other governmental agency within the State shall operate, establish, manage, conduct or maintain a clinic or hold out, represent, or advertise by any means, the operation of a clinic in this State, without first obtaining a license therefor as provided in this chapter.

"Clinic"

1202. As used in this chapter "clinic" means any place, establishment, or institution which operates under the name or title of clinic, dispensary, health center, medical center, or any other word or phrase of like or similar import, either independently or in connection with any other purpose, for the purposes of furnishing at the place, establishment, or institution, advice, diagnosis, treatment, appliances, or apparatus, to persons not residing or confined in the place, establishment, or institution, and who are afflicted with bodily or mental disease or injury.

The performance of duties by governmental health officers or school employees, for the purpose of advising and informing persons of means and measures to prevent or avoid disease or injury, shall not be considered clinics under provisions of this chapter.

Classes

1203. No clinics are eligible for licensure under this chapter, except the classes as defined in the following:

Charitable clinic

(a) Charitable clinic is a clinic supported and maintained in whole or in part by donations, bequests, gifts or contributions, in which advice, diagnosis, treatment, medicines, drugs, appliances or apparatus concerning bodily and mental disease and

injuries is given without charge. No corporation, other than a charitable corporation, shall operate a charitable clinic. No natural person or persons shall operate a charitable clinic. Nominal charges, made and collected from individuals advised or treated in a charitable clinic to defray administrative costs, if approved by the State Department of Public Health do not affect the status or classification of a charitable clinic.

Teaching and research clinic

(b) A teaching and research clinic is a clinic operated by or affiliated with any institution of learning which teaches a recognized healing art and is approved by the state agency having regulation of the practice of that healing art.

Employer's clinic

(c) An employer's clinic is a clinic operated by an employer, without profit to him, for the prevention and treatment of accidental injuries to, and the care of the health of, his employees only.

Employees' clinic

(d) An employees' clinic is a clinic operated by a group of employees or jointly by employees and employers, without profit to the operators thereof or to any other person, for the prevention and treatment of accidental injuries to, and the care of the health of, the employees comprising such group.

Limitations

1204. The provisions of this chapter do not apply to the following:

(a) Any clinic conducted, maintained, or operated by the United States Government, or by any of its departments, officers or agencies or by this State, or by any of its political subdivisions or districts, or by any city.

(b) Clinics conducted, maintained, or operated as outpatient departments of hospitals.

Restrictions

1205. This chapter does not authorize any person other than a licensed practitioner of a healing art, or any corporation except charitable corporations as expressly provided in this chapter, to furnish to any person medical, or surgical advice, services, or treatment.

This chapter does not authorize any person, other than a licentiate of a healing art acting within the scope of his license, to engage directly or indirectly in the practice of medicine, or surgery, or dentistry, or optometry or chiropody or pharmacy.

This chapter does not regulate, govern, or affect in any manner the practice of medicine, surgery, pharmacy, dentistry, optometry, osteopathy, chiropractic, chiropody, or drugless healing by any person duly licensed to engage in such practice.

This chapter does not repeal, alter, modify, or otherwise affect Division 2 of the Business and Professions Code or any section thereof or any act defining, or governing, or regulating the practice of medicine, surgery, pharmacy, dentistry, optometry, osteopathy, chiropractic, chiropody or drugless healing.

Article 2. Licenses

Application Contents

1210. Any person desiring a license under the provisions of this chapter shall file with the State Department of Public

Health a verified application on a form prescribed and furnished by the department, containing:

(a) The name and address of the clinic.

(b) The name and address of the applicant who is responsible for control, management, and direction of the clinic.

(c) The name and address of the professional licentiate responsible for the professional activities of the clinic.

(d) The class of clinic to be operated.

(e) Complete information on the character and scope of advice and treatment to be provided.

(f) Complete description of the building, its location, facilities, equipment, apparatus, and appliances to be furnished and used in the operation of the clinic.

(g) Source and anticipated amount of funds and income for the operation of the clinic covering the year for which the application is made.

(h) Anticipated volume of service to be rendered, the anticipated unit cost, and the anticipated unit charge to be made to patients, covering the year for which the application is made.

(i) Justification for the operation of the clinic.

(j) Such additional information as may be required by the department for the proper administration and enforcement of this chapter.

Application for renewal

1211. Application for renewal of a license shall be made annually by every person holding a license to operate a clinic.

Investigation

1212. Upon the filing of an application for a license or for renewal of license, the department shall investigate the facts set forth in the application.

If the department finds that the statements contained in the application are true, that the establishment or the continued operation of the clinic is in conformity with the intent and purpose of this chapter, that there is need for the clinic in the community in which it is or is proposed to be operated, that the establishment or its continued operation is for the benefit of the public health, and upon full compliance by the applicant with the provisions of this chapter and the rules and regulations promulgated under this chapter, the department shall issue to the applicant the license applied for.

Inspection of clinics

1213. Every clinic for which a license has been issued shall be periodically inspected by a duly authorized representative of the department. The department may delegate such of its authority under this chapter as it deems advisable to local health departments, the staffs and inspectorial services of which have the written approval of the Department of Public Health. Reports of each inspection shall be prepared by the representative conducting it upon forms prepared and furnished by the department filed with the department.

Information and records confidential

1214. Information and records concerning any licensee or applicant received by the department under the provisions of this chapter shall not be disclosed except in a proceeding for the revocation, suspension or denial of an application for a license.

1215. The department may suspend or revoke any license issued under the provisions of this chapter upon any of the following grounds and in the manner hereinafter provided: Grounds for disciplinary action

(a) Violation by the licensee of any of the provisions of this chapter or of any other law of this State or of the rules and regulations promulgated under this chapter.

(b) Committing or aiding, abetting or permitting the commission of an illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of California in the maintenance and operation of the premises for which a license is issued.

1216. Proceedings for the revocations of licenses under this chapter shall be conducted in accordance with the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the departments shall have all powers granted therein. Proceedings

1217. Any licensee whose license has been revoked may thereafter apply for a new license, and his application shall be considered and acted upon by the department as an original application for a license. Revoked license

Article 3. Regulations

1221. The department shall annually compile a list of clinics as licensed under the provisions of this chapter. List of clinics

1222. The department shall make and promulgate and may thereafter modify, amend, or rescind, reasonable rules and regulations to carry out the purposes of this chapter, classifying clinics, prescribing minimum standards of adequacy, safety and sanitation of the physical plant, equipment and appliances, prescribing minimum standards for assurance of attendance and services of duly qualified licensed practitioners of the healing arts, securing information to establish the necessity of the clinic in the community and services to be provided, and establishing a basis for making administrative charges to be collected from patients. Rules and regulations

1223. The license shall be conspicuously posted in the clinic. Posting of license

1224. Every clinic holding a license shall on or before the fifteenth day of February of each year, file with the department upon forms to be furnished by the department, a verified report showing the following: Clinic reports: Contents

(a) Number of patients during the preceding year.

(b) Total number of administrative or other charges or fees collected from patients.

(c) Total amount from other sources necessary to make up the total operating cost of clinic for the previous year.

(d) Total operating cost for clinic for the previous year.

(e) Additional information as may be required by the department.

Article 4. Revenue

Fee

1229. Each application for a license under this chapter shall be accompanied by an annual fee in the sum of twenty dollars ($20).

Article 5. Offenses

Offenses

1234. Any person who violates any of the provisions of this chapter or of the rules and regulations promulgated under this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars ($500) or by imprisonment in the county jail for a period not to exceed 180 days or by both such fine and imprisonment.

Injunction

1235. The department may bring an action to enjoin the violation or threatened violation of Section 1200 in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of Code of Civil Procedure, except the department shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

Inspection

1236. Any officer, employee or agent of the State Department of Public Health may enter and inspect any building or premises at any reasonable time to secure compliance with or to prevent a violation of any provision of this chapter.

Prosecution

1237. The district attorney of every county shall, upon application by the State Department of Public Health, or its authorized representative, institute and conduct the prosecution of any action for violation within his county of any provision of this chapter.

Intent

SEC. 3. It is the intent of the Legislature that Chapter 1 of Division 2 of the Health and Safety Code added by Section 2 of this act shall be considered a revision and continuation of the Chapter 1 of said division repealed by this act; and that all licenses issued under said former chapter shall be continued in existence as though issued under the chapter added by this act; and that all licenses issued to private pay clinics under said former chapter may be renewed from year to year upon compliance with all provisions of the chapter added by this act, and regulations issued thereunder, and all such private pay clinics shall be subject to each and all of the provisions of the chapter added by this act; and that all acts taken in proceedings pending under said former chapter shall not be effected by its repeal.

Operative date

SEC. 4. The effective date of this act shall be January 1, 1954.

CHAPTER 1099

An act to amend Section 5391 of, and to add Section 5022.5 to, the Streets and Highways Code, relating to improvements.

[Approved by Governor June 10, 1953. Filed with Secretary of State June 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 5391 of the Streets and Highways Code is amended to read:

Statement of payments received

5391. After 30 days after the date of recording the warrant the contractor, or his assigns, shall sign and file in the office of the superintendent of streets a written statement of all payments received upon the assessment. Thereupon, the superintendent of streets shall file the statement so made with the record of the warrant and assessment by attaching it in the assessment book immediately following the record of the assessment. If under the proceedings being taken bonds are to be issued to represent unpaid assessments, no further payments of assessments can be accepted by the contractor or his assigns after filing said statement, as to any assessment which is to be represented by a bond. When payments are made to the superintendent of streets pursuant to Section 5396 of this division, it shall not be necessary for the contractor or his assigns to file said written statement of payments received.

SEC. 2. Section 5022.5 of said code is added, to read:

"Lot," etc

5022.5. "Lot," "portion of lot," "land," "piece," or "parcel of land," whether used singly or in combination, may, in the discretion of the superintendent of streets, for purposes of spreading assessments and calculating benefits include any contiguous real property under the same ownership as it appears on the last equalized assessment roll used by the assessing entity in which the property is situated, whether consisting of unsubdivided land or land subdivided into blocks or lots and blocks or the superintendent of streets may if requested by such owner make separate assessments against portions of such lots or parcels of land.

CHAPTER 1100

An act to amend Sections 74802, 74803, 74804, and 74805 of the Government Code, relating to the Municipal Court of the City of Stockton.

[Approved by Governor June 10, 1953. Filed with Secretary of State June 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 74802 of the Government Code is amended to read:

Stockton Municipal Court Salaries Clerk

74802. There shall be one clerk who shall receive a minimum salary of four hundred eighteen dollars ($418) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-six dollars ($26), and twenty-seven dollars ($27) to a maximum of five hundred eighteen dollars ($518) monthly.

SEC. 2. Section 74803 of said code is amended to read:

74803. The clerk may appoint:

Assistant clerk

(a) One assistant clerk who shall receive a minimum salary of three hundred three dollars ($303) monthly with annual increments of seventeen dollars ($17), seventeen dollars ($17), nineteen dollars ($19), and nineteen dollars ($19) to a maximum of three hundred seventy-five dollars ($375) monthly.

Supervising account clerk

(b) One deputy clerk who shall be supervising account clerk and who shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with annual increments of fifteen dollars ($15), seventeen dollars ($17), seventeen dollars ($17), and nineteen dollars ($19) to a maximum of three hundred fifty-six dollars ($356) monthly.

Deputy clerks

(c) Four deputy clerks, 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), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of three hundred thirty-seven dollars ($337) monthly.

Senior cashier

(d) One deputy clerk who shall be senior cashier and who 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 seventeen dollars ($17) to a maximum of three hundred twenty dollars ($320) monthly.

Senior stenographer

(e) One deputy clerk who shall be senior stenographer 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), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred three dollars ($303) monthly.

Cashier-clerks

(f) Two deputy clerks who shall be cashier-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.

Intermediate typists

(g) Four deputy clerks who shall be intermediate typists, 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.

Junior typists

(h) Three deputy clerks who shall be junior typists, each of whom shall receive a minimum salary of two hundred dollars ($200) monthly with annual increments of ten dollars ($10),

eleven dollars ($11), twelve dollars ($12), and thirteen dollars ($13) to a maximum of two hundred forty-six dollars ($246) monthly.

SEC. 3. Section 74804 of said code is amended to read:

74804. There shall be one marshal who shall receive four hundred fifty dollars ($450) a month. Marshal

SEC. 4. Section 74805 of said code is amended to read:

74805. The marshal may appoint:

(a) Two senior deputy marshals, each of whom shall receive a minimum salary of three hundred three dollars ($303) monthly with annual increments of seventeen dollars ($17), seventeen dollars ($17), nineteen dollars ($19), and nineteen dollars ($19) to a maximum of three hundred seventy-five dollars ($375) monthly. Senior deputy marshal

(b) Two 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), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of three hundred thirty-seven dollars ($337) monthly. Deputy marshals

(c) One deputy marshal who shall be senior account clerk and who 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 seventeen dollars ($17) to a maximum of three hundred twenty dollars ($320). Senior account clerk

(d) One deputy marshal who shall be intermediate typist and who 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. Intermediate typist

(e) Ten deputies who shall be custodians at the fee allowed by law for the keeping of property. Custodians

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CHAPTER 1101

An act to amend Section 28113 of the Government Code, relating to compensation for public service in counties of the thirteenth class.

[Approved by Governor June 10, 1953. Filed with Secretary of State June 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 28113 of the Government Code is amended to read:

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: San Joaquin County officers Salaries.

Auditor

(a) The auditor, eight thousand four hundred dollars ($8,400) a year.

District attorney

(b) The district attorney, ten thousand dollars ($10,000) a year.

Supervisor

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year. In addition, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor shall be paid eight cents ($0.08) a mile for all mileage traveled within the county; for any one trip outside the county, eight cents ($0.08) a mile for the mileage within the county, and four cents ($0.04) for each mile traveled outside the county. 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, six hundred dollars ($600) a year for services rendered as chairman.

Trial juror

(d) For attendance in the superior court each trial juror shall be allowed five dollars ($5) for each day's attendance, and mileage at the rate of eight cents ($0.08) 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.

Grand juror

Each member of the grand jury shall be allowed five dollars ($5) 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 eight cents ($0.08) 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.

CHAPTER 1102

An act to amend Section 38 of, and to add Section 38.5 to, the Fish and Game Code, relating to the feeding of game birds, mammals, and fish.

In effect September 9, 1953

[Approved by Governor June 10, 1953. Filed with Secretary of State June 10, 1953.]

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

SECTION 1. Section 38 of the Fish and Game Code is amended to read:

Feeding of game birds, etc.

38. The department, in accordance with policies established by the commission may provide for the feeding of game birds, mammals or fish at such times as natural foods therefor are not available, and may provide suitable area or areas for such feed-

ing, and may for those purposes expend such money as is necessary from the Fish and Game Preservation Fund.

SEC. 2. Section 38.5 is added to said code, to read:

38.5. The department shall provide for the feeding of deer wherever the director finds that natural forage is unavailable therefor due to excessive snow. The times, extent, and manner of such feeding shall be prescribed by the director. In carrying out the provisions of this section neither the department nor the director shall be bound by any policy determination or rule or regulation of the commission, it being the purpose of this section to commit to the independent discretion of the director all matters within the purview of this section. No deer shall be fed pursuant to this section upon any privately owned land without the consent of the owner or person in lawful possession of such land. Feeding of deer

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CHAPTER 1103

An act to amend Section 794 of the Agricultural Code, relating to cherries and containers thereof, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1953. Filed with Secretary of State June 12, 1953.] In effect immediately

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

SECTION 1. Section 794 of the Agricultural Code is amended to read:

794. Cherries shall be mature but not overripe, free from (a) insect injury or bird pecks which have penetrated or damaged the flesh, unsealed skin breaks, mold, brown rot, decay and (b) growth cracks, cracks or splits over three-eighths of an inch in length even though well healed, except that well healed shoulder cracks shall be allowed regardless of length and (c) serious damage due to sunburn, shriveling, sponginess, abnormal softening or other causes. Cherries

Not more than 10 percent, by count, of the cherries 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. In addition 5 percent of the cherries in any one container or bulk lot may be slightly below the maturity requirements of this section but in no case may such cherries show any green areas, excepting the Bing variety when testing not less than 16 percent, and the Tartarian variety, when testing not less than 14 percent, soluble solids in a composite sample of the juice from not less than 10 representative cherries as shown by a standard refractometer instrument. Packing

All red and black varieties of cherries shall not be considered mature unless at the time of picking the entire surface has attained at least a solid light red color.

"Face and fill" packing

When cherries are packed in containers by the "face and fill" method the average size of the cherries used in the fill shall not be smaller than would pack one "row size" more than the cherries in the packed face; however, none of the cherries in the fill shall be of a size that would pack more than two sizes smaller, except that 10 percent, by count, of the cherries in any one container may be below this minimum size requirement.

Doubles

Cherries meeting all other requirements of this section shall in addition be free from doubles except that (1) a tolerance of 10 percent, by count, shall be allowed for doubles with both halves well developed uniform in size and mature, and (2) a tolerance of 2½ percent, by count, shall be allowed for doubles having one portion not well developed. However, any amount of such doubles shall be allowed if the container in which they are placed or packed is plainly and conspicuously marked on the outside end of the container, bearing other markings required by this section, with the designation "Exceeds tolerance for doubles" in letters at least three-eighths of an inch in height.

Markings

All containers of cherries shall bear upon them in plain sight and in plain letters on one outside end: The name of the person who first authorized the packing of the cherries or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; the name of the variety, if known, and when not known the words "unknown variety." When two or more varieties are placed in the same container they shall be marked "mixed varieties." All containers of row packed cherries shall be marked with the number of rows of cherries packed laterally across the end of the container, directly followed by the word "row" or "rows" or the letter "R" in like size letters. All closed containers of loose cherries shall be marked in numbers and letters at least three-eighths of an inch in height with (a) the row size of the cherries in the container followed by the term "row size" or (b) the "minimum diameter" of the cherries in the container expressed in inches or fractions thereof, followed by the term "inch minimum diameter" or "inches minimum diameter" or a proper abbreviation or variation of such designation.

Row size

(a) When containers of loose cherries are marked with a row size designation at least 50 percent of the cherries in the container shall be of a size no smaller than the row size number marked; however, none of the cherries in such container shall be more than two row sizes smaller than that marked on the container, except that 10 percent, by count, of the cherries in any one container may be below this minimum size requirement. The row size number shall be deemed to be that number of cherries of uniform size whose aggregate width will equal 11½ inches.

Minimum diameter

(b) When containers of loose cherries are marked with the minimum diameter of the cherries in the container none of the

cherries in such container shall be smaller in diameter than the size marked on the container, except that 10 percent, by count, of the cherries in any one container may be below the size marked. In addition the cherries in any container so marked with the minimum diameter, shall not vary in diameter between the fruits in the container, more than one-fourth of an inch. The "diameter" shall mean the diameter measured through the widest portion of the cross section of the cherry at a right angle to a straight line drawn from the stem end to the distal end thereof.

Compliance with the requirements of this section may be determined by the examination of a representative sample of the cherries in any container or bulk lot.

Cherries shall be in standard containers numbers 4, 10, 11, 12, 12A, 22C, 25 or 27.

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 inch in height, "irregular container."

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 size of the cherries in this year's cherry crop is very irregular on the trees. Coupled with this is the fact that there is a shortage of competent labor for sizing and sorting these cherries. These factors make it extremely difficult to comply with present packing requirements. As the cherry season is rapidly approaching, it is necessary that this act take effect immediately to alleviate this condition.

CHAPTER 1104

An act providing for a study of barriers in San Francisco Bay, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 11, 1953. Filed with Secretary of State June 12, 1953.] In effect immediately

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

SECTION 1. There is hereby appropriated to the Water Project Authority, the sum of two hundred fifty thousand dollars ($250,000), or so much thereof as may be necessary, payable one-half from the Flood Control Fund of 1946 and one-half from the unexpended and unencumbered balance of the appropriation made by Item 428.5 of the Budget Act of 1952, for investigation and study of the feasibility and economic value of construction by the State of a suitable barrier or barriers, and public works incidental thereto, at several alternate locations across San Francisco Bay, San Pablo Bay, Appropriation San Francisco Bay salt water barrier

Suisun Bay, and the Sacramento-San Joaquin Delta, for reclamation, for salinity and flood control purposes, and for the purpose of creating a supply of fresh water for irrigation, domestic uses, and related purposes. In conducting the investigation and study the Water Project Authority shall consider, among other problems and without limitation as to the generality thereof, the physical and economic effect of the proposed barrier or barriers on navigation, transportation, levees, industries and agriculture adjacent to the bays, national defense, silting of the bays and channels, and fish life. In addition to the above appropriation, the sum of two hundred fifty thousand dollars ($250,000), one-half from the Flood Control Fund of 1946, and one-half from the unexpended and unencumbered balance of the appropriation made by Item 428.5 of the Budget Act of 1952 is hereby allocated for expenditure by the Water Project Authority for the purpose mentioned in this section, but the money so allocated may not be expended until the Legislature expressly appropriates said money for such purpose.

The sums appropriated and allocated by this act shall not be subject to the provisions for return of the moneys appropriated as set forth in Item 428.5 of the Budget Act of 1952.

Contracts

SEC. 2. The Water Project Authority may contract with such other public agencies, federal, state, or local, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the Water Project Authority as will best assist it to carry out this act. The Water Project Authority may also employ, by contract or otherwise, such private consulting engineering and other technical services as it deems necessary for the rendition and affording of such services, facilities, studies, and reports as will best assist it to carry out this act.

Intent

SEC. 3. It is the intent of the Legislature that in conducting the investigation and study the Water Project Authority shall confer and exchange information with the United States Navy, the United States Bureau of Reclamation, the United States Corps of Engineers and the local port districts to the extent possible.

Report

SEC. 4. The Water Project Authority shall report to the Legislature the result of its study and investigation not later than March 30, 1955.

Short title

SEC. 5. This act shall be known and may be cited as the Abshire-Kelly Salinity Control Barrier Act of 1953.

Urgency

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:

The areas adjacent to the San Francisco Bay urgently need an adequate supply of fresh water for domestic and industrial uses. It is essential to the public health, safety and welfare that a study of salinity control barriers as a means of securing such a supply of fresh water, be undertaken without delay.

CHAPTER 1105

An act to amend Section 433 of the Education Code, relating to salaries of the county superintendent of schools in counties of the thirty-third class.

[Approved by Governor June 11, 1953. Filed with Secretary of State June 12, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 433 of the Education Code is amended to read:

Yolo County Superintendent of Schools Salary

433. The annual salary of the county superintendent of schools of a county of the thirty-third class is six thousand four hundred dollars ($6,400), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 1106

An act to amend Section 425 of the Education Code, relating to county school superintendents' salaries in counties of the twenty-fifth class.

[Approved by Governor June 11, 1953. Filed with Secretary of State June 12, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 425 of the Education Code is amended to read:

Santa Cruz County Superintendent of Schools Salary

425. The annual salary of the county superintendent of schools of a county of the twenty-fifth class is six thousand five hundred dollars ($6,500) until January 2, 1955. Thereafter the annual salary shall be seven thousand two hundred dollars ($7,200). The superintendent shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

CHAPTER 1107

An act to amend Section 444 of the Education Code, relating to compensation of the county superintendent of schools of a county of the forty-fourth class.

[Approved by Governor June 11, 1953. Filed with Secretary of State June 12, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 444 of the Education Code is amended to read:

San Benito County Superintendent of Schools, Salary

444. The annual salary of the county superintendent of schools of a county of the forty-fourth 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.

CHAPTER 1108

An act to amend Section 28137 of the Government Code, relating to compensation for public services in counties of the thirty-seventh class.

In effect September 9, 1953

[Approved by Governor June 11, 1953. Filed with Secretary of State June 12, 1953.]

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

SECTION 1. Section 28137 of the Government Code is amended to read:

Sutter County officers Salaries

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:

Auditor

(a) The auditor, four thousand seven hundred fifty dollars ($4,750) a year.

District attorney

(b) The district attorney, four thousand eight hundred dollars ($4,800) a year.

Supervisor

(c) Each supervisor shall receive two hundred and 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.

Jurors

(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.

CHAPTER 1109

An act to amend Section 6 and repeal Section 7 of an act enacted at the 1953 Regular Session of the Legislature entitled "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," relating to toll crossings of San Francisco Bay, and making an appropriation.

[Approved by Governor June 11, 1953. Filed with Secretary of State June 12, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6 of the act cited in the title hereof is amended to read:

Southern crossing Bonds

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 is hereby 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.

Repeal

SEC. 2. Section 7 of said act is hereby repealed.

CHAPTER 1110

An act to amend Section 1013a of the Code of Civil Procedure, relating to service by mail.

In effect September 9, 1953

[Approved by Governor June 11, 1953. Filed with Secretary of State June 12, 1953.]

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

SECTION 1. Section 1013a of the Code of Civil Procedure is amended to read:

Proof of service

1013a. Proof of service by mail may be made by affidavit affixed to the original, or to a true copy, of the document served and filed in the cause, showing the name and residence or business address of the person making the service, showing that he is a citizen of the United States and resident or employed in the county where the mailing occurs, that he is over the age of 18 years and not a party to the cause, and showing the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and also showing that the envelope was sealed and deposited in the mail with the postage thereon fully prepaid, and that there is delivery service by United States mail at the place so addressed, or that there is regular communication by mail between the place of mailing and the place so addressed.

CHAPTER 1111

An act to add Section 75 to the Code of Civil Procedure, relating to hearings of uncontested proceedings.

In effect September 9, 1953

[Approved by Governor June 11, 1953. Filed with Secretary of State June 12, 1953.]

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

SECTION 1. Section 75 is added to the Code of Civil Procedure, to read:

Submission upon filing

75. The superior court in any county in which there is only one judge may by rule provide that, whenever the judge is absent from the county upon assignment by the Judicial Council, any noncontested matter in which no evidence is required, or which may be submitted upon affidavits, shall be deemed submitted upon the filing with the clerk of a statement of submis-

sion by the party or his attorney or upon the date set for the hearing.

CHAPTER 1112

An act authorizing the State Lands Commission to exchange property of the State of California for property in Del Norte County and providing for actions against the State to quiet title to the land exchanged and to determine the validity of the title to such land.

[Approved by Governor June 11, 1953. Filed with Secretary of State June 12, 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 Del Norte County, such grant to be conditioned upon the granting of all right, title and interest by such person, persons, or corporations to the State of California of parcels of land lying and being in Del Norte 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.

Exchange of lands in Del Norte County

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 northeast quarter of northwest quarter, the southwest quarter of northeast quarter, and the southeast quarter of Section 28, Township 16 North, Range 1 West, H. B. & M.

Lands to be exchanged

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.

Purpose

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.

Quiet title actions

CHAPTER 1113

An act to amend Section 9002 of, and to add Sections 9002.5 and 9026 5 to, the Business and Professions Code, relating to the regulation of social workers.

In effect September 9, 1953

[Approved by Governor June 11, 1953. Filed with Secretary of State June 12, 1953.]

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

SECTION 1. Section 9002 of the Business and Professions Code is amended to read:

Board of Social Work Examiners Qualifications

9002. Members of the board, except the lay members, shall be appointed only from among individuals who are registered social workers with at least five years of professional experience in social work, and all members of the board shall have been residents of California for at least three years preceding their appointment.

No fewer than four members of the board shall have completed at least one year of full time graduate study or the equivalent thereof in an approved school of social work. Not less than two of the members shall be lay persons.

SEC. 2. Section 9002.5 is added to said code, to read:

Approved school

9002.5. An approved school of social work within the meaning of this chapter is a school which is eligible for membership in the American Association of Schools of Social Work or accredited by the Commission on Accreditation of the Council on Social Work Education.

SEC. 3. Section 9026.5 is added to said code, to read:

Certificate without examination

9026.5. Upon application in such form as the board may prescribe and payment of the application fee required by this chapter the board shall issue a certificate without examination to any person otherwise qualified who at the time of making application is registered as a social worker under the laws of another state or country whose requirements at the time such person was licensed or registered are found by the board to have been at least equivalent to the minimum requirements in effect in this State at the same time.

CHAPTER 1114

An act to amend Section 20005 of the Education Code, relating to the residence of students at the University of California

In effect September 9, 1953

[Approved by Governor June 11, 1953. Filed with Secretary of State June 12, 1953]

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

SECTION 1. Section 20005 of the Education Code is amended to read:

Residence

20005. The residence of each student shall be determined in accordance with the rules for determining residence prescribed

by Sections 243 and 244 of the Government Code, except that for the purpose of this section it shall be deemed that the residence of an unmarried minor who has a parent living cannot be changed by either his own act or that of his guardian. Every alien student is deemed to be a nonresident student unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States.

Nothing in this section or in Sections 243 and 244 of the Government Code prevents the regents from causing to be classified as a resident student:

Regents may classify

(a) Any citizen of the United States, or any alien who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States, who has attained his majority according to the laws of this State, and who for a period of one year immediately preceding the opening day of a semester during which he proposes to attend the university has been entirely self-supporting and actually present in the State, with the intention of acquiring a residence therein

(b) Any minor child, a citizen of the United States, or any alien, who is a minor child, who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States, who does not receive and has not for a period of more than one year immediately preceding the opening day of a semester during which he proposes to attend the university received, directly or indirectly, any support or financial assistance from his father, if the minor lives with his mother, who is and has been for a period of more than one year immediately preceding the opening day of the semester actually present in the State with the intention of making her permanent home therein.

CHAPTER 1115

An act to amend Section 51 of the Fish and Game Code, relating to licensed game bird clubs.

[Approved by Governor June 11, 1953 Filed with Secretary of State June 12, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 51 of the Fish and Game Code is amended to read:

Game bird club License

51. (a) If the commission is satisfied, after investigation, that the tract is suitable for the purpose of a licensed game bird club and that the establishment of such a club will not conflict with the public interest, the commission may issue a commercial licensed game bird club license upon the payment of a license fee of fifty dollars ($50), or, a private licensed game bird

club license upon the payment of a license fee of twenty-five dollars ($25) for a club of 500 acres or less and fifty dollars ($50) for a club of over 500 acres. Such license shall be issued for a term of one year from February 1st, to January 31st, or, if issued after the beginning of such term, for the remainder thereof.

Authority

(b) The license shall authorize the licensee to shoot, or permit to be shot, legally propagated birds of the species mentioned in the application, upon the premises for which the license is issued. The licensee may fix a daily bag limit, not to exceed six birds of the species released on such club. No person hunting on a licensed game bird club shall kill more than six birds in any one day regardless of the number of clubs on which he hunts.

(c) The licensee shall propagate and rear, or otherwise acquire, and release upon the premises birds of the species referred to in the license at the rate of not less than one bird per three acres on private licensed game bird clubs and not less than one bird per five acres on commercial licensed game bird clubs. At least fifty percent (50%) of the total number of birds released on the premises shall be released within the period beginning five days prior to the opening and ending the last day of the licensed game bird club season. Such birds at the time of release shall be full-winged and otherwise in condition to go wild.

CHAPTER 1116

An act to add Article 10 to Chapter 3, Part 3, Division 12 of the Health and Safety Code, relating to fire protection districts.

In effect September 9, 1953

[Approved by Governor June 11, 1953. Filed with Secretary of State June 12, 1953.]

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

SECTION 1. Article 10 is added to Chapter 3, Part 3, Division 12 of the Health and Safety Code, to read:

Article 10. Withdrawal to Form New District

Withdrawal

14775. Any portion of a district which will be benefited by withdrawal from the district may be withdrawn pursuant to this article for the purpose of forming a new fire protection district.

Petition

14776. Twenty-five percent or more of the holders of title or evidence of title to lands within the entire district may file a petition with the board of supervisors requesting that certain territory of the district be withdrawn from the district on the ground that said territory will be benefited by withdrawal from the district. The petition shall designate specifically the boundaries of the territory proposed to be withdrawn, and shall be verified by the affidavit of one of the petitioners. The petition

shall be accompanied by a surety company bond in the sum of not less than five hundred dollars ($500) to be approved by the board of supervisors and filed with the county clerk as security for the payment by the petitioners of the reasonable costs of the election on withdrawal, in the event that at the election less than a majority of the votes cast are in favor of withdrawal.

Time of hearing

14777. The board of supervisors shall fix a time for hearing the petition. The time for hearing shall not be less than 10 nor more than 30 days after the filing of the petition.

Notice of hearing

14778. The board of supervisors shall, at least one week prior to the time so fixed for hearing, publish a notice of hearing by one insertion in a newspaper of general circulation published in the district or, if there is no newspaper published in the district, in a newspaper of general circulation published in the county in which the district is located, and which the board of supervisors deems most likely to give notice of the proposed withdrawal to the landowners in the district.

Posting of notice

14779. The notice shall also be posted in three of the most public places within the district, one of which places shall be within the territory proposed to be withdrawn, at least one week prior to the time fixed for hearing.

Objections

14780. Any person interested may appear at the hearing and object to the withdrawal.

Modification of boundaries

14781. The board of supervisors shall not modify the boundaries of the territory proposed to be withdrawn as set forth in the petition in such a manner as to include therein any land that would be benefited by remaining in the district, nor shall the board exclude therefrom any land that would be benefited by withdrawal from the district.

Hearing

14782. At the time specified for the hearing, the board of supervisors shall hear the petition, and shall receive recommendations from the board of directors of the district concerning the payment of any indebtedness of the district and an equitable division of the real and personal property of the district, including cash on hand and any uncollected taxes for the current fiscal year, between the portion proposed to be withdrawn and the remaining territory of the district. In determining such equitable division, the board of supervisors shall take into consideration the assessed value of the real property in the territory sought to be withdrawn and that in the remaining territory, the fire protection needs of each, the location of all real property owned by the district and the type and value of personal property to be divided. The board may adjourn the hearing from time to time.

Order

14783. Upon the final hearing of the petition, the board of supervisors, if it approves the petition as originally presented or in a modified form, shall make an order describing the exterior boundaries of the territory proposed to be withdrawn, dividing the territory into three or five divisions as nearly equal in size as practicable, specifying the arrangement for payment of any indebtedness of the district as well as an

equitable division of the property of the district, and ordering that an election be held for the purpose of determining whether or not the territory shall be withdrawn from the district and a separate county fire protection district of the type provided in this chapter formed in the territory so withdrawn.

Election

14784. The order shall fix the day of election, which shall be within 60 days from the date of the order and shall provide that notice of said election be given as provided in Sections 14785 and 14786 of this code.

Contents of notice

14785. The notice of election shall contain:

(a) The election precincts, if any, established for the election and the time and place or places of holding the election.

(b) The names of the officers of the election appointed to conduct the election.

(c) The hours of the day during which the polls will be open.

(d) The description of the boundaries of the territory proposed to be withdrawn from the district and to be formed into a separate county fire protection district.

(e) The division of the territory proposed to be withdrawn into three or five divisions as nearly equal in size as practicable.

(f) The names of persons to be voted for to fill the offices of director of the proposed new county fire protection district.

14786. The notice shall be published once a week for at least three successive weeks previous to the election in a newspaper of general circulation published in the district or, if there is no newspaper published in the district, in a newspaper of general circulation published in the county in which the district is located, and which the board of supervisors deems most likely to give notice of the election to the landowners in the district.

Ballot form

14787. Ballots used shall state in substance the following proposition:

> "Shall the territory proposed to be withdrawn from the _____ County Fire Protection District be withdrawn?"

and opposite the proposition as so stated shall be printed the words "yes" and "no" together with voting squares. The ballots used by the owners of land lying within the territory proposed to be withdrawn from the district and formed into a separate county fire protection district, shall also state in substance, as a second proposition:

> "Shall the territory proposed to be withdrawn from the _____ County Fire Protection District be formed to constitute the _____ County Fire Protection District?"

and opposite the second proposition as so stated shall be printed the words "yes" and "no" together with voting squares, and beneath such second proposition shall be set forth the names of persons to be voted to fill the offices of director of the proposed new district.

Conduct of election

14788. The election shall be conducted as nearly as practicable in accordance with the general laws of the State.

14789. Holders of title or evidence of title to lands within the district, and no others, are qualified and entitled to vote in said election. Voters' qualification

14790. The board of supervisors shall on the first Monday succeeding the election, or at its next succeeding regular or special session, canvass the votes, and if it appears that a majority of all of the votes cast in the district are in favor of the withdrawal, and that a majority of the votes cast by landowners in the territory to be withdrawn are in favor of the formation of a separate county fire protection district in said territory, the board of supervisors shall: Canvass of votes

(1) Order the withdrawal of such territory,

(2) Define the new boundaries of the existing district,

(3) Divide the existing district into three or five divisions as nearly equal in size as practicable,

(4) Make any necessary appointments to fill vacancies created in the board of directors of the existing district by reason of any member or members, as a result of the withdrawal, no longer being resident in the district or the division he or they formerly represented,

(5) Declare the territory withdrawn to be organized as a county fire protection district and define the boundaries thereof,

(6) Divide the new district into three or five divisions as nearly equal in size as practicable and in accordance with the provisions of the notice of election,

(7) Declare the persons receiving respectively the highest number of votes for directors to be elected directors of the newly organized district, and

(8) Order the real and personal property of the existing district to be divided between the newly formed district and the remaining portion of the existing district in accordance with the division theretofore determined by the board of supervisors.

14791. All expenses incurred by the board of supervisors in connection with the hearings and elections provided for in this chapter shall be a charge against the district, including the territory to be withdrawn should the election result in such withdrawal. Expenses

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CHAPTER 1117

An act to amend Section 761 of the Financial Code, relating to bank ownership of corporate stock.

[Approved by Governor June 11, 1953. Filed with Secretary of State June 12, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 761 of the Financial Code is amended to read:

761. No bank shall purchase, acquire, or hold the stock of any corporation except as expressly authorized by this divi- Purchase of stock

sion, or pursuant to a plan of reorganization approved by the Superintendent of Banks by which all of the stock of one or more banks organized under the laws of this State shall be acquired and immediately reissued proportionately to the stockholders of the acquiring bank.

CHAPTER 1118

An act to amend Section 12650 of the Water Code, relating to flood control work in connection with the Merced County Stream Group.

In effect September 9, 1953

[Approved by Governor June 12, 1953. Filed with Secretary of State June 12, 1953.]

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

SECTION 1. Section 12650 of the Water Code is amended to read:

Merced County Stream Group Improvement plan

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).

Notwithstanding any estimated cost to the State contained in this section, local cooperation which shall be furnished by the State in connection with the plan of improvement for flood protection on various streams in the Merced County Stream Group in the San Joaquin Valley, adopted and authorized under this section shall include, without limitation as to the generality thereof:

(a) Enlargement of the channel of Miles Creek to the extent indicated on Inclosure 3 of House Document Numbered 473, Seventy-eighth Congress, Second Session.

(b) Acquisition of lands, easements and rights of way necessary for construction of the following diversions to the capacities indicated:

(1) Owens Creek Diversion, 400 cubic feet per second.

(2) Black Rascal Diversion, 3,000 cubic feet per second.

(c) Providing the following channel capacities of the various creeks:

(1) Burns Creek: 2,000 cubic feet per second on Burns Creek from its confluence with Bear Creek upstream to the section line common to Sections 3 and 10, T. 7 S., R. 15 E., M. D. B. & M.

(2) Bear Creek: 2,000 cubic feet per second from its confluence with Burns Creek upstream to the section line common to Sections 11 and 12, T. 7 S., R. 15 E., M. D. B. & M.; 4,000 cubic feet per second from its confluence with Black Rascal Creek Diversion upstream to its confluence with Burns Creek; 7,000 cubic

feet per second from its confluence with the head of Black Rascal Slough to the Black Rascal Creek Diversion; not less than 3,100 cubic feet per second from its confluence with the lower end of Black Rascal Slough to the confluence with the head of Black Rascal Slough, so that the combined capacity of Bear Creek and Black Rascal Slough is not less than 7,000 cubic feet per second; 7,000 cubic feet per second from the section line common to Sections 2 and 3, T. 8 S., R. 12 E., M. D. B. & M., upstream to the confluence of Bear Creek with the lower end of Black Rascal Slough.

(3) Black Rascal Slough: Not less than 3,900 cubic feet per second and so that the combined capacity of Black Rascal Slough and Bear Creek is not less than 7,000 cubic feet per second.

(4) Miles Creek: 1,000 cubic feet per second from the Merced-El Nido Highway upstream to the section line common to Sections 25 and 26, T. 7 S., R. 15 E., M. D. B. & M.

(5) Owens Creek: 400 cubic feet per second from Owens Creek Diversion to the bridge crossing at the section line common to Sections 29 and 30, T. 7 S., R. 16 E., M. D. B. & M.

(6) Mariposa Creek: 1,000 cubic feet per second from Owens Creek Diversion upstream to the bridge located in SW. ¼ of Section 10, T. 8 S., R. 16 E., M. D. B. & M.; 1,250 cubic feet per second from El Nido Highway upstream to Owens Creek Diversion.

CHAPTER 1119

An act to amend Section 6546 of the Business and Professions Code, relating to the qualifications of an apprentice barber.

[Approved by Governor June 12, 1953. Filed with Secretary of State June 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6546 of the Business and Professions Code is amended to read:

Registered apprentice Qualifications

6546. Any person is qualified to receive a certificate of registration as a registered apprentice if he complies with each of the following:

(a) He has a diploma showing graduation from an eighth grade grammar school, or an equivalent education, as determined by an examination conducted by the board.

(b) He is at least 16½ years of age.

(c) He is of good moral character and temperate habits.

(d) He has graduated from a college approved by the board.

(e) He has passed a satisfactory examination conducted by the board to determine his fitness to practice as a registered apprentice.

Any applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination shall

complete a further course of study of not less than two hundred and fifty hours to be completed within three months of not more than eight hours in any one working day, in a college approved by the board.

CHAPTER 1120

An act to amend Section 1767.5 of the Welfare and Institutions Code, relating to the care of paroled persons.

In effect September 9, 1953

[Approved by Governor June 12, 1953. Filed with Secretary of State June 15, 1953.]

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

SECTION 1. Section 1767.5 of the Welfare and Institutions Code is amended to read:

Payments for care of paroled persons

1767.5. The authority may pay any private home for the care of any person committed to the authority and paroled by the authority to the custody of the private home (including both persons committed to the authority under this chapter and persons committed to it by the juvenile court) at a rate to be approved by the Department of Finance, but not to exceed sixty-five dollars ($65) per month during the time such person remains on parole to such private home, except that the Department of Finance may approve higher rates in exceptional cases. Payments for such care of paroled persons may be made from the funds available to the authority for such purpose, or for the support of the institution or facility under the jurisdiction of the authority from which the person has been paroled.

CHAPTER 1121

An act to amend Section 50400 of the Government Code, relating to the levy of an annual tax to maintain and improve public parks.

In effect September 9, 1953

[Approved by Governor June 12, 1953. Filed with Secretary of State June 15, 1953.]

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

SECTION 1. Section 50400 of the Government Code is amended to read:

Tax. Public parks

50400. The legislative body of a local agency may levy a yearly tax not to exceed three cents ($0.03) upon every one hundred dollars ($100) of assessed valuation of property in the local agency to maintain and improve public parks situated in the local agency. The money collected from the tax shall be kept by the treasurer of the local agency and is subject only to the order of the officer or board having control of the management and maintenance of the parks.

CHAPTER 1122

An act to add Section 224n to the Civil Code, relating to the rights and responsibilities of an agency to which a child has been relinquished for adoption.

[Approved by Governor June 12, 1953. Filed with Secretary of State June 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 224n is added to the Civil Code, to read:

Adoption agency Rights and duties

224n. The agency to which a child has been relinquished for adoption shall be responsible for the care of the child, and shall be entitled to the custody and control of the child at all times until a petition for adoption has been granted. Any placement for temporary care, or for adoption made by the agency, may be terminated at the discretion of the agency at any time prior to the granting of a petition for adoption. In the event of termination of any placement for temporary care or for adoption, the child shall be returned promptly to the physical custody of the agency.

CHAPTER 1123

An act to add Section 4114 to the Revenue and Taxation Code, relating to the redemption of property for property tax purposes.

[Approved by Governor June 12, 1953. Filed with Secretary of State June 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 4114 is added to the Revenue and Taxation Code, to read:

Redemption officer Erroneous computation

4114. Where it appears from the books, documents and records of the redemption officer that the latter has made an unintended error in computing the amount necessary to redeem a parcel of property as to which a redemption certificate has been issued resulting in an underpayment of the redemption amount, and where all remedies for the collection of the deficiency have been exhausted, upon a finding to that effect by the board of supervisors, concurred in by the district attorney, the redemption officer may be relieved of any responsibility in his official capacity in connection therewith.

CHAPTER 1124

An act to amend Section 8990 of the Water Code, relating to flood control projects.

[Approved by Governor June 12, 1953. Filed with Secretary of State June 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 8990 of the Water Code is amended to read:

New construction for flood control Claims

8990. If any reclamation district, levee district, drainage district, municipal corporation, private corporation, association or person has since February 28, 1928, or shall hereafter, advance or expend any sum of money to be applied upon, and in aid of the completion of, any work of new construction called for by the provisions of the flood control plan of the State as in effect February 28, 1928, or as amended after August 14, 1931, the sum advanced, or a specified portion thereof agreed upon, may in the discretion of the board, be determined to be a proper charge against the particular work of construction for which the money was advanced and the party advancing it may, in the discretion of the board, have a claim against the drainage district for the amount, or specified portion thereof, without interest, payable as and when moneys are made available by law for defraying the cost of the particular work for which the sum was originally advanced.

CHAPTER 1125

An act to amend Section 35116 of the Government Code, and Sections 22428, 22429 and 22430 of the Education Code, relating to annexation of territory to cities.

In effect September 9, 1953

[Approved by Governor June 12, 1953. Filed with Secretary of State June 15, 1953.]

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

SECTION 1. Section 35116 of the Government Code is amended to read:

Annexation by city Election

35116. Upon receiving a petition signed by not less than one-fourth of the qualified electors residing within the territory, as shown by the county registration of voters, containing a description of the new territory proposed to be annexed and asking that the territory be annexed, the city legislative body shall without delay pass a resolution of intention to call a special election giving at least 50 days notice thereof and of its intention to submit the question of annexation to the electors residing in the territory. The city clerk and the county officer having charge of the registration of voters shall within two weeks check the petition and certify the sufficiency thereof.

SEC. 2. Section 22428 of the Education Code is amended to read:

Library district Annexation or exclusion

22428. Territory may be annexed to or excluded from a library district organized under this chapter in the manner provided in the District Organization Law, upon petition signed by not less than 50 voters residing in the territory the annexation or exclusion of which is requested, or by a majority thereof if there be less than 50 residing in the territory, the annexation or exclusion of which is requested.

SEC. 3. Section 22429 of said code is amended to read:

22429. An election, pursuant to the provisions of the District Organization Law, is not required unless protests to the annexation or exclusion are made by 50 or more taxpayers and residents of the district. Election upon protest

SEC. 4. Section 22430 of said code is amended to read:

22430. An election is not necessary in any event where it is proposed to exclude territory, all of which is exempt from taxation. Such territory may be excluded from a library district organized under this chapter upon petition of the owner of such territory. Election unnecessary Tax exempt property

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CHAPTER 1126

An act to amend Sections 3670, 3672, 4100, 4102, 4107, 4110, 4111, 4113, 4114, 4116, 4119, 4120, 4121, 5201, 5204, 6202 and 9302 of the Corporations Code, and to add to said code Section 9304.5, all relating to corporations.

[Approved by Governor June 12, 1953. Filed with Secretary of State June 15, 1953.] In effect September 9, 1953

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

SECTION 1. Section 3670 of the Corporations Code is amended to read:

3670. Upon the adoption of any amendment to the articles a certificate stating the manner of adoption shall be executed and filed as provided in this article. Amendment of articles Certificate of adoption

If the amendment be adopted before any shares have been issued or subscriptions for shares other than those set forth in the articles have been accepted, or before any member of a nonstock corporation other than the incorporators have been admitted, the certificate shall conform to the requirements of Section 3671.

If the amendment be adopted after any shares have been issued or subscriptions for shares other than those set forth in the articles have been accepted, or members other than the incorporators have been admitted by a nonstock corporation, the certificate shall conform to the requirements of Section 3672.

SEC. 2. Section 3672 of said code is amended to read:

3672. In the case of an amendment adopted by the shareholders or members or by the directors or by the board of directors and shareholders or members, the certificate shall be signed by the president or a vice president and the secretary or an assistant secretary, and shall be verified by their affidavit stating, in effect, that the matters set forth in the certificate are true of their own knowledge. Certificate Signing and verification

The certificate shall set forth the following: Contents

(a) If the amendment is one for the adoption of which a resolution of the board of directors alone is required, a copy of the resolution of the board of directors.

(b) If the amendment is one for the adoption or approval of which the vote or consent of the shareholders or members alone is required, a copy of the resolution adopting the amendment; the time and place of the meeting at which the resolution was adopted, and the number of shares or members voting in favor of the resolution; or if approval was by written consent, a copy of the form of written consent; the number of shares or members consenting; and in either case, the total number of shares or members entitled to vote on or consent to the amendment.

(c) If the amendment is one which is required to be adopted by the vote of different classes of shares, the total number of outstanding shares of each class and the number of shares of each class consenting to or voting in favor of the resolution amending the articles.

(d) If the holders of any class of shares or memberships are entitled to more or less than one vote per share or membership, the total number of votes entitled to be cast or to be represented by written consents and the total number of votes cast in favor of the proposed amendment or represented by the written consents thereto.

(e) If the amendment is one for the adoption of which the approval of both the board of directors and the shareholders or members is required, the certificate shall set forth the matter required by subdivisions (a) and (b), and the matter required by subdivisions (c) and (d) if applicable.

SEC. 3. Section 4100 of said code is amended to read:

Merger Consolidation

4100. Any two or more corporations may be (a) merged into one of such corporations, or (b) consolidated into a new corporation, pursuant to this article.

SEC. 4. Section 4102 of said code is amended to read:

"Constituent corporation"

4102. As used in this chapter, "constituent corporation" means a corporation which is merged or consolidated with one or more other corporations.

SEC. 5. Section 4107 of said code is amended to read:

Shareholders' approval Meeting

4107. The agreement shall be approved by the vote of the holders of not less than two-thirds of the issued and outstanding shares of each class, regardless of limitations or restrictions on the voting power thereof, of each corporation, at a meeting duly called upon notice of the time, place, and purpose thereof, duly given to each shareholder at least 20 days prior to the date of the meeting, except that notice of the time, place and purpose of any such meeting may be waived as provided in Section 2209. Unless the notice be waived, there shall be mailed with the notice of the meeting a statement of the general terms of the proposed agreement. Different series of the same class of shares shall not constitute different classes of shares for the purpose of voting by classes.

SEC. 6. Section 4110 of said code is amended to read:

Certificate of authorization

4110. After approval by the directors and shareholders has been given, the president or a vice president and the secretary or an assistant secretary of each corporation shall execute a certifi-

cate, which shall be verified by their affidavit stating, in effect, that the matters set forth in the certificate are true of their own knowledge, and shall set forth:

(a) The time and place of the meeting of the board of directors. Contents

(b) A copy of the resolution adopted by the board of directors showing approval of the terms and conditions of the agreement of merger or consolidation.

(c) The vote in favor of the resolution.

(d) The time and place of the meeting of the shareholders; that the terms and conditions of the agreement were approved thereat, and the total vote of each class of shares by which the agreement was approved.

(e) The total number of outstanding shares of each class.

(f) A statement of the mailing of the notice of the time, place, and purpose of the meeting of the shareholders, or, if the notice was waived pursuant to Section 2209, a statement of such fact.

(g) The name of the surviving or consolidated corporation.

(h) That the agreement for merger or consolidation with (names of other corporations which are parties to the agreement) filed with the Secretary of State concurrently with this certificate, pursuant to Section 4113, is the agreement hereinabove referred to and sets forth the terms and conditions approved by said resolution of directors and vote of shareholders.

SEC. 7. Section 4111 of said code is amended to read:

4111. Any amendment to the agreement may be adopted, and the agreement so amended may be approved, at the meeting of the shareholders of any of the corporations, in the same manner and by the same vote as the original agreement. If the agreement so amended is approved at a meeting by the shareholders and by the board of directors of each of the corporations by the vote required for approval of the original agreement, the agreement so amended shall be signed and acknowledged and shall have certified therewith the approval of the directors and of the shareholders in the same manner as provided for the original agreement, and shall then constitute the merging or consolidating agreement. Amendments

SEC. 8. Section 4113 of said code is amended to read:

4113. The executed agreement, or an executed counterpart thereof, and the respective certificate of each constituent corporation and of the consolidated or surviving corporation shall be separately filed with the Secretary of State, and shall thereupon become effective, and the several parties thereto shall be one corporation. Neither the agreement nor any certificate shall be filed however until there has been filed with the Secretary of State by or on behalf of each corporation taxed under the Bank and Corporation Franchise Tax Act, the existence of which is terminated by the merger or consolidation, the certificate of satisfaction of the Franchise Tax Board that all taxes imposed by said act have been paid or secured. Filing with Secretary of State

SEC. 9. Section 4114 of said code is amended to read:

Filing with county clerk

4114. A copy of the agreement of merger or consolidation, certified by the Secretary of State, shall be filed (a) with the county clerk of the county in which the principal office of each constituent corporation is located, (b) with the county clerk of the county in which the principal office of the consolidated or surviving corporation is located, and (c) with the county clerk of each county in which each corporation, including the consolidated or surviving corporation, holds real property.

Recordation

A copy of the agreement of merger or consolidation, certified by the Secretary of State, shall also be recorded in the office of the recorder of any county in this State in which any real property owned by a constituent corporation is located.

SEC. 10. Section 4116 of said code is amended to read:

Effect of merger or consolidation Succession to assets and liabilities

4116. Upon merger or consolidation pursuant to this article, the separate existence of the constituent corporations ceases, and the consolidated or surviving corporation shall succeed, without other transfer, to all the rights and property of each of the constituent corporations, and shall be subject to all the debts and liabilities of each, in the same manner as if the consolidated or surviving corporation had itself incurred them.

Liens

All rights of creditors and all liens upon the property of each of the constituent corporations shall be preserved unimpaired, limited in lien to the property affected by such liens immediately prior to the time of the consolidation or merger.

Pending actions and proceedings

Any action or proceeding pending by or against any constituent corporation may be prosecuted to judgment, which shall bind the consolidated or the surviving corporation, or the consolidated or surviving corporation may be proceeded against or substituted in its place.

SEC. 11. Section 4119 of said code is amended to read:

Filing of agreement and certificate

4119. If the consolidated or surviving corporation be a domestic corporation, the agreement and certificate of such corporation as well as the certificate of each constituent domestic corporation shall be filed in the Office of the Secretary of State and thereupon the consolidation or merger shall be effective as to any such domestic corporation. Each constituent foreign corporation which is qualified for the transaction of intrastate business in this State shall file in the Office of the Secretary of State a copy of the agreement, certificate or other instrument filed in the State or place of its incorporation for the purpose of effecting the consolidation or merger and each such document shall be certified by the public officer having official custody of the original. Copies of the agreement shall be filed as provided in Section 4114.

If the consolidated or surviving corporation be a foreign corporation, each constituent, consolidated or surviving foreign corporation which is qualified for the transaction of intrastate business in this State shall file in the Office of the Secretary of State a copy of the agreement, certificate or other document filed in the State of its incorporation for the purpose of effecting the consolidation or merger and each such document shall be certified by the public officer having official custody of the

original. Each constituent domestic corporation shall file in the Office of the Secretary of State a copy of the agreement, certificate or other document filed by the consolidated or surviving foreign corporation in the state of its incorporation for the purpose of effecting the consolidation or merger which copy shall be certified by the public officer having official custody of the original, or, in lieu thereof, an executed counterpart of the agreement or certificate executed by such domestic corporation for the purpose of effecting the consolidation or merger, and thereupon the consolidation or merger shall be effective as to such domestic corporation. Copies of such agreement, certificate or other document shall be filed by each qualified foreign corporation and by each constituent domestic corporation as provided in Section 4114.

SEC. 12. Section 4120 of said code is amended to read:

Copies as evidence

4120. A copy of any agreement, certificate or other document effecting a consolidation or merger of domestic and foreign corporations certified by the public officer having official custody of the original has the same force in evidence as the original and except as against this State, is conclusive evidence of the performance of all conditions precedent to the consolidation or merger, and the creation or existence of the consolidated or surviving corporation.

SEC. 13. Section 4121 of said code is amended to read:

Application of article

4121. The provisions of this article relative to the merger or consolidation of domestic corporations apply to any domestic corporation which merges or consolidates with foreign corporations, and to the effect of such merger or consolidation, so far as such provisions are not inconsistent with the provisions of this article relative to the merger or consolidation of domestic corporations with foreign corporations.

The provisions of Article 2 of this chapter apply to the rights of the shareholders of any of the constituent or surviving corporations which are domestic corporations.

SEC. 14. Section 5201 of said code is amended to read:

Filing with Secretary of State

5201. The certificate of winding up and dissolution shall be filed in the Office of the Secretary of State, and thereupon corporate existence shall cease except for the purpose of further winding up if needed. However, before any corporation taxed under the Bank and Corporation Tax Law may file a certificate of winding up and dissolution it shall file or cause to be filed with the Secretary of State the certificate of satisfaction of the Franchise Tax Board that all taxes imposed under the Bank and Corporation Tax Law have been paid or secured.

Filing with county clerk

A copy of the certificate of winding up and dissolution, certified by the Secretary of State, shall be filed in the office of the county clerk of the county in which the principal office of the corporation is located.

SEC. 15. Section 5204 of said code is amended to read:

Order declaring corporation wound up and dissolved

5204. In any case in which dissolution is by court order or decree the court may make an order declaring the corporation duly wound up, its known assets distributed, any tax or penalty

due under the Bank and Corporation Tax Law paid, and its other known debts and liabilities actually paid or adequately provided for or paid as far as its assets permit, the accounts of its directors settled, and the directors or trustees discharged from their duties and liabilities to creditors or shareholders, and the corporation dissolved, or it may make such other order and grant such other relief as it deems proper upon the evidence submitted.

If there are known debts and liabilities for payment of which adequate provision has been made, the order declaring the corporation dissolved shall state what provision has been made, setting forth the name and address of the corporation, person, or governmental agency that has assumed or guaranteed the payment, the name and address of the depositary with which deposit has been made, or such other information as may be necessary to enable the creditor or other person to whom payment is to be made to appear and claim payment of the debt or liability.

SEC. 16. Section 6202 of said code is amended to read:

"Articles"

6202. "Articles" includes the articles or certificate of incorporation, or other document filed for the purpose of creating the corporation with the secretary of state or other official of the state or place under the laws of which the corporation is created, and any amendments thereof, any certificates supplemental thereto, or any special charter, statute, or governmental act creating it, and any charter, statute, or governmental act amendatory thereof or supplemental thereto.

If the laws of the state or place of incorporation authorize the filing therein or the issuance of a certificate or other instrument by which the articles, charter or certificate of incorporation as amended is restated for the purpose of consolidating the original articles, charter or certificate of incorporation and all amendments thereto into a single instrument, or authorize the filing of amended articles, amended charter or amended certificate of incorporation which expressly supersede and replace existing articles, charter or certificate of incorporation, then such restated or amended articles, charter or certificate of incorporation, together with all subsequent amendments and all instruments which supplement rather than amend the original articles, charter or certificate of incorporation may be deemed to constitute "articles" within the meaning of this chapter.

SEC. 17. Section 9302 of said code is amended to read:

Directors' tenure, powers, etc.

9302. The articles or by-laws may provide for the number and tenure of office of the directors and may specify their powers, duties, compensation, and the manner in which they shall be chosen and removed from office.

SEC. 18. Section 9304.5 is added to said code, to read:

Filing of articles by Secretary of State

9304.5. If the articles conform to law, the Secretary of State shall file them in his office and shall endorse the date of filing thereon. The corporate existence begins upon the filing of the

articles and continues perpetually unless otherwise expressly provided by law.

A copy of the articles certified by the Secretary of State and bearing the endorsement of the date of filing in this office shall be filed in the office of the county clerk of the county in which the corporation is to have its principal office and in the office of the county clerk of each county in which the corporation acquires ownership of any real property.

Filing with county clerk

CHAPTER 1127

An act to amend Section 15700 of the Corporations Code, relating to service of process on foreign partnerships.

[Approved by Governor June 12, 1953. Filed with Secretary of State June 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 15700 of the Corporations Code is amended to read:

15700. Every partnership, other than a commercial or banking partnership established and transacting business in a place without the United States, which is domiciled without this State and has no regular place of business within this State, shall, within 40 days from the time it commences to do business in this State, file in the Office of the Secretary of State a designation of some natural person residing within the State upon whom process issued by authority of or under any law of this State directed against the partnership may be served, which designation shall include the complete business or residence address of the person designated. A copy of such designation, duly certified by the Secretary of State, is sufficient evidence of such appointment.

Designation of person upon whom process may be served

Such process may be served by personal delivery to the person so designated, or, in the event that no such person has been designated, or the person designated cannot be found at the address given in the designation, then service may be made by personal delivery to the Secretary of State, Assistant Secretary of State or a deputy secretary of state of the process, together with a statement of the last-known address of the partnership and a service fee of five dollars ($5). The Secretary of State shall immediately give notice of such service to the partnership by prepaid telegram, and forward the process to it by registered mail, return receipt requested, at the address given in the statement.

Service on Secretary of State

Service on the person designated or personal delivery of the process and statement of address, together with a service fee of five dollars ($5) to the Secretary of State, Assistant Secretary of State or a deputy secretary of state pursuant to this section is a valid service on the partnership. The partnership so served shall appear within 30 days after service on the person desig-

nated or within 30 days after delivery of the process to the Secretary of State, Assistant Secretary of State or a deputy secretary of state.

CHAPTER 1128

An act to amend Section 25 of the Civil Code, relating to minors.

In effect September 9, 1953

[Approved by Governor June 13, 1953. Filed with Secretary of State June 15, 1953.]

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

SECTION 1. Section 25 of the Civil Code is amended to read:

Minors

25. Minors are all persons under 21 years of age; provided, that this section shall be subject to the provisions of the titles of this code on marriage and shall not be construed as repealing or limiting the provisions of Section 204 of this code; provided further, that any female who has reached the age of 18 years and thereafter contracts a lawful marriage, or who has contracted a lawful marriage and thereafter reaches the age of 18 years, shall in the first instance upon contracting such marriage, and in the second instance upon reaching the age of 18 years, be of the age of majority and be deemed an adult person for the purpose of entering into any engagement or transaction respecting property or her estate, or for the purpose of entering into any contract, or for the purpose of maintaining or defending an action affecting her marital status, the same as if she was 21 years of age. Subsequent judgment of annulment of such marriage shall not deprive such female person of her adult status once attained under the foregoing provision, unless such judgment is obtained in an action commenced prior to her reaching the age of 18 years, in which latter event she shall be deemed to have remained a minor at all times notwithstanding such marriage.

CHAPTER 1129

An act to amend Section 2189 of the Revenue and Taxation Code, relating to the lien on real property of taxes on personal property.

In effect September 9, 1953

[Approved by Governor June 13, 1953. Filed with Secretary of State June 15, 1953.]

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

SECTION 1. Section 2189 of the Revenue and Taxation Code is amended to read:

Tax lien

2189. A tax on personal property is a lien on any real property on the secured roll also belonging to the owner of the

personal property and located in the same county as the latter on the lien date, if the fact of the lien is shown on the secured roll opposite the description of the real property.

Any failure or omission to show the fact of such lien for personal property taxes on the secured roll opposite such description of real property shall not operate to invalidate any such personal property tax, but in such case the tax shall be collected in the same manner as taxes on the unsecured roll; provided, that if the fact of lien is erroneously entered on the secured roll opposite the description of real property belonging to someone other than the owner of the personal property on the lien date, then the delinquency penalty provided for in Chapter 4 of Part 5 shall not attach until December 10th at 5 p.m. or, if December 10th falls on Saturday, at 5 p.m. on the next business day.

CHAPTER 1130

An act to amend Sections 71040 and 71041 of the Government Code, relating to municipal courts.

[Approved by Governor June 13, 1953. Filed with Secretary of State June 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 71040 of the Government Code is amended to read:

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.

Judicial districts

SEC. 2. Section 71041 of said code is amended to read:

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, the board of supervisors shall immediately after January 1, 1951, redistrict the county so as to comply with Section 71040.

CHAPTER 1131

An act to add Article 7 to Chapter 2 of Division 4 of the Public Resources Code, relating to educational projects with respect to forests.

In effect September 9, 1953

[Approved by Governor June 13, 1953. Filed with Secretary of State June 15, 1953.]

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

SECTION 1. Article 7 is added to Chapter 2 of Division 4 of the Public Resources Code, to read:

Article 7. Cooperative Projects

Forestry educational projects

4440. The State Forester may, under the supervision of the Director of Natural Resources, and in accordance with the policy of the Board of Forestry, engage in and demonstrate methods of developing, using, and protecting the forest and wild land resources of the State of California, and to accomplish that purpose, he may, with the approval of the Department of Finance, enter into agreements with any agency of government, including the Federal Government, and with any person, firm, or corporation and he may make expenditures for that purpose.

CHAPTER 1132

An act to amend Section 4165 of the Public Resources Code, relating to disposal of inflammable waste material.

In effect September 9 1953

[Approved by Governor June 13, 1953. Filed with Secretary of State June 15, 1953.]

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

SECTION 1. Section 4165 of the Public Resources Code is amended to read:

Disposal of inflammable waste material

4165. Outside the exterior boundaries of incorporated cities every processor of forest products shall exercise due diligence in the disposal of inflammable material incident to such processing, so that said material does not cause the inception or spread of uncontrolled fire. Every person, copartnership, firm, corporation or company operating a sawmill or plant engaged in the processing or converting of forest products into lumber, shook, ties, poles, posts, veneer, shakes, shingles, planed or milled products, shall dispose of inflammable material incident to such operation. Whenever such inflammable material is not to be used as fuel or as a by-product of the operation, it shall be disposed of by burning. Such disposal of waste inflammable material shall be made by means of fire in any of the following ways:

(1) In an enclosed device effective in preventing the spread of sparks or fire, situated in an area cleared of grass, grain, brush, slash, litter and snags for a distance of 100 feet surrounding the device.

(2) In an area which is cleared of grass, grain, brush, slash, litter, snags and forest cover for a distance of 400 feet from the periphery of said fire and for any greater distance necessary to provide 100 feet of such cleared area around any lumber pile or structure which may be situated within 400 feet of the said fire; except that living trees beyond 100 feet from the periphery of the fire may be left standing within the area if all limbs within 10 feet of the ground are removed. Said disposal by fire in the cleared area shall be the responsibility of the operator or landowner or jointly and shall be in conformance with the provisions of Section 4153 of this code and all other provisions of law.

(3) Waste inflammable material may be accumulated in a pile which shall be disposed of by fire at a date not later than the following April 15th after the beginning of the accumulation of such waste material and at a time when weather and the condition of surrounding vegetation are favorable to preventing the spread of fire; provided, however, at all times for the duration of the accumulation, the area surrounding such piles shall be cleared and kept clear of all inflammable vegetation and debris, including trees, snags, brush, grass, slash, and litter by either of the following methods: (a) to a distance of 150 feet from the periphery of the piles of waste material and all structures and lumber piles which are situated within 50 feet of said waste material piles, or (b) by a similar clearing surrounding the said waste material piles and said structures and lumber piles for a distance of 100 feet; provided, there shall also be kept and maintained at all times a firebreak 10 feet or more in width cleared of all inflammable material and constructed in a continuous line surrounding the accumulation at a distance of not less than 50 feet nor more than 300 feet from the periphery of the clearing surrounding the accumulation, and; provided further, that all snags and dead trees between the firebreak and the periphery of the clearing shall be felled. Said disposal by fire shall be a responsibility of the operator or landowner or jointly and shall be made in conformance with Section 4153 of this code and all other provisions of law.

Public nuisance

Any accumulation of waste material in violation of the provisions of this section is a public nuisance. Every person, copartnership, firm, corporation, or company that permits or allows such public nuisance to exist upon property owned, occupied, or leased by him, or it, after reasonable notice in writing from the State Forester, or the district attorney, to remove, discontinue, or abate such nuisance, has been served upon him or it, is guilty of a misdemeanor, and the existence of such nuisance for each and every day after the date specified in such

Penalty

notice for removal, discontinuance, or abatement is a separate and distinct offense.

CHAPTER 1133

An act to amend Sections 4155 and 4156 of, and to add Section 4158 to the Public Resources Code, relating to fire fighting equipment.

In effect September 9, 1953

[Approved by Governor June 13, 1953. Filed with Secretary of State June 15, 1953.]

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

SECTION 1. Section 4155 of the Public Resources Code is amended to read:

Fire-fighting equipment

4155. No person, copartnership, firm, corporation, or company shall use or operate, between April 15th and December 1st of any year, any motor, engine, boiler, stationary equipment, welding equipment, cutting torches, tar pots, or grinding devices from which a spark, fire, or flame may originate, located on or near any forest, brush or grass covered land, without first clearing away all inflammable material, including snags, from the area around such operation for a distance of 10 feet and without maintaining one shovel and one back-pack pump ready for use at the immediate area during the operation. The provisions of this section shall not apply to portable power saws.

SEC. 2. Section 4156 of said code is amended to read:

4156. No person, copartnership, firm, corporation, or company, shall use or operate between April 15th and December 1st of any year, any engine, machine, motor or motive power equipment in any industrial operation located on or near any forest or brush covered land, without providing and maintaining at all times, for fire fighting purposes only, suitable and serviceable fire fighting tools in the following prescribed amounts, manner and location. Said tools shall be provided in a sealed box at each log landing at which logs are being currently collected or loaded. On slash disposal, construction or land clearing projects such a sealed box of tools shall be located at a point accessible to the crew in event of fire. Said sealed box shall contain seven shovels, three axes, one complete set of falling tools, two scraping tools, and one back-pack pump filled with water; provided, however, that where less than five men are employed on or near the specified operation, the tool box shall contain a minimum of four serviceable fire tools consisting of shovels, scraping tools, and one axe. In addition, each logging truck and tractor shall be equipped with one shovel; each pickup, automobile and rail speeder used in the operation shall be equipped with one shovel and one axe.

At any camp maintained for the residence of employees, or at any local headquarters of any industrial, agricultural, or other operations on or near any forest or brush covered lands, there

shall be provided and maintained at all times, in a specific location, for fire fighting purposes only, a sufficient supply of serviceable tools to equip 50 percent of the able-bodied, male personnel, resident of such camp, or working out of such headquarters, for fighting fires. Among said tools shall be included shovels, axes, saws, back-pack pumps, scraping tools; and further, with such tools there shall be one serviceable headlight adaptable for attachment to at least one-half of the tractor-bulldozers used on the operation, and also a sufficient number of canteens and flashlights to equip a third of the said able-bodied, male personnel.

SEC. 3. Section 4158 is added to said code, to read:

4158. No person, copartnership, firm, corporation, or company, shall use or operate between April 15th and December 1st of any year, any gasoline-powered saw on or near any forest or brush covered land, unless such saw is operated at least 50 feet from any inflammable material, without providing and maintaining at locations of use or operation of said equipment, for fire fighting purposes, one serviceable fire extinguisher or, in lieu thereof, one serviceable shovel.

CHAPTER 1134

An act to amend Section 4014 of the Public Resources Code, relating to cooperation with the Federal Government with respect to forest lands.

[Approved by Governor June 13, 1953. Filed with Secretary of State June 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 4014 of the Public Resources Code is amended to read:

4014. The State of California hereby accepts the provisions of the Clarke-McNary Act, approved June 7, 1924, as amended, passed by the Congress of the United States, and entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," and will observe and comply with the requirements of said act of Congress.

Acceptance of Clarke-McNary Act

The Division of Forestry, Department of Natural Resources, shall be the agent of this State for the purposes of said act. The department shall have full power to cooperate with all the authorities of the United States having powers and duties under said act of Congress to do and perform all things necessary to secure to this State the benefits of that act of Congress.

CHAPTER 1135

An act to amend the heading of Chapter 3 of Division 4 of, to amend Sections 4451, 4453, 4454, 4455, and 4459 of, and to add Section 4454.5 to, the Public Resources Code, relating to forest insect and plant disease control.

In effect September 9, 1953

[Approved by Governor June 13, 1953. Filed with Secretary of State June 15, 1953.]

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

SECTION 1. The heading of Chapter 3 of Division 4 of the Public Resources Code is amended to read:

CHAPTER 3. FOREST INSECT AND PLANT DISEASE CONTROL

SEC. 2. Section 4451 of said code is amended to read:

Timberland

4451. For the purposes of this chapter any land shall be considered timberland which has enough timber, standing or down, to constitute, in the judgment of the State Board of Forestry, an insect or pine beetle infestation breeding ground or plant disease hazard of a nature to constitute a menace, injurious and dangerous to timber or forest growth.

SEC. 3. Section 4453 of said code is amended to read:

Beetles, etc., a public nuisance

4453. Pine beetles and other insect pests or plant diseases which are harmful, detrimental and injurious to timber and forest growth are a public nuisance.

SEC. 4. Section 4454 of said code is amended to read:

4454. Every owner of timber or timberlands shall control or eradicate such insect pests or plant diseases on lands owned by him or under his control; and if he fails or neglects so to do, the work may be performed as provided in this chapter.

SEC. 5. Section 4454.5 is added to said code, to read:

Agreements for controlling insects, etc.

4454.5. The State Forester may, with the approval of the Department of Finance, and in accordance with policy established by the State Board of Forestry, enter into agreements with any owner and with any agency of government, including the Federal Government, for the purpose of controlling or eradicating forest insects or plant diseases damaging or threatening destruction to timber or forest growth and he may make expenditures for that purpose.

SEC. 6. Section 4455 of said code is amended to read:

Zone of infestation or infection

4455. Whenever the State Forester determines that there exists an area which is infested or infected with insect pests or plant diseases injurious to timber or forest growth and that the infestation or infection is of such a character as to be a menace to the timber or timberlands of adjacent owners, the State Forester with the approval of the State Board of Forestry may declare the existence of a zone of infestation or infection, and describe and fix its boundaries

Thereupon the State Forester or his agents shall have the power to go upon state and private lands within said zone of

infestation or infection and shall cause the infestation or infection to be eradicated or controlled in a manner approved by the State Board of Forestry.

SEC. 7. Section 4459 of said code is amended to read:

4459. Whenever the State Forester determines that insect or disease control work within the designated zone of infestation or infection is no longer necessary or feasible, then, with the approval of the State Board of Forestry, the State Forester shall dissolve the said zone.

CHAPTER 1136

An act to add Section 37 to an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties, to develop a postwar public works program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights of way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, relating to postwar public works programs, making an appropriation to be allocated to cities incorporated on or after September 5, 1952, and before December 2, 1952, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 13, 1953. Filed with Secretary of State June 15, 1953.] In effect immediately

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

SECTION 1. Section 37 is added to the act cited in the title hereof, to read:

Sec. 37. The sum of twenty-six thousand dollars ($26,000) is hereby appropriated out of any money in the Postwar Unemployment and Construction Fund not otherwise appropriated to be expended in carrying out the provisions of this section in making allocations to cities incorporated on and after September 5, 1952, and before December 2, 1952. Appropriation Cities incorporated on or after September 5, 1952, and before December 2, 1952

Cities incorporated on or after September 5, 1952, and before December 2, 1952, may apply for an allocation from the appropriation made by this section for expenditure within such cities for the purpose of defraying the State's share of the cost of plans, sites, and rights of way. The amount to be allocated to each such city applying shall be apportioned to such city in the proportion that its population bears to the total population of all cities in the State incorporated on or after September 5, 1952, and before December 2, 1952. 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 1137

An act to add Sections 43 and 44 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.

In effect immediately

[Approved by Governor June 13, 1953. Filed with Secretary of State June 15, 1953.]

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

SECTION 1. Section 43 is added to the Construction and Employment Act, to read:

Allocation to cities incorporated on or after September 5, 1952, and before December 2, 1952

Sec. 43. Cities incorporated on or after September 5, 1952, and before December 2, 1952, may apply for an allocation from the appropriation made in Section 44 for expenditure within such cities for the purpose of defraying the State's share of the cost of the construction of projects. The amount to be allocated to each such city applying shall be apportioned to such city in the proportion that its total population bears to the total population of all cities in the State incorporated on or after September 5, 1952, and before December 2, 1952. 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 44 is added to said act, to read:

Appropriation

Sec. 44. The sum of one hundred sixty-two thousand dollars ($162,000) 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 43 of this act in making allocations to cities incorporated on or after September 5, 1952, and before December 2, 1952.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

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 1138

An act to amend Section 51360 and Section 51362 of the Water Code, relating to reclamation districts.

[Approved by Governor June 13, 1953. Filed with Secretary of State June 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 51360 of the Water Code is amended to read:

51360. If the real property in the district is located entirely within one county, the board may furnish to the board of supervisors, on or before the date set for consideration of the budget, an estimate in writing of the amount of money needed for payment of maintenance, repair, operation, incidental expenses, and supplemental construction and replacement expenses by the district in lieu of levying an operation and maintenance assessment as provided in Article 3 of this chapter.

Estimate in lieu of assessment

SEC. 2. Section 51362 of said code is amended to read:

51362. The tax shall not exceed the rate of thirty cents ($0.30) on each one hundred dollars ($100) of the value assessed on the county tax roll of all taxable land and improvements thereon within the district.

Tax limitation

CHAPTER 1139

An act to amend Section 16 of the Los Angeles County Flood Control Act (Chapter 755, 1915 Statutes), relating to Los Angeles County Flood Control District.

[Approved by Governor June 13, 1953. Filed with Secretary of State June 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 16 of the Los Angeles County Flood Control Act is amended to read:

Sec. 16. The said board of supervisors of said district shall have power to make and enforce all needful rules and regulations for the administration and government of said district,

Board of supervisors: Powers

and to perform all other acts necessary or proper to accomplish the purposes of this act.

Said board of supervisors shall have power to do all work and to construct and acquire all improvements necessary or useful for carrying out any of the purposes of this act; and said board of supervisors shall have power to acquire either within or without the boundaries of said district, by purchase, condemnation, donation or by other lawful means in the name of said district, from private persons, corporations, reclamation districts, swamp land districts, levee districts, protection districts, drainage districts, irrigation districts, or other public corporations or agencies or districts, all lands, rights of way, easements, property or materials necessary or useful for carrying out any of the purposes of this act; to make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the exercise of the powers conferred by this act, or arising out of the use, taking or damage of any property, rights of way or easements, for any of such purposes; to compensate any reclamation district, protection district, drainage district, irrigation district or other district, public corporation or agency or district, for any right of way, easement or property taken over or acquired by said Los Angeles County Flood Control District as a part of its work of flood control or conservation or protection provided for in this act, and any such reclamation district, protection district, drainage district, irrigation district or other district or public corporation or agency is hereby given power and authority to distribute such compensation in any manner that may be now or hereafter allowed by law; to maintain actions to restrain the doing of any act or thing that may be injurious to carrying out any of the purposes of this act by said district, or that may interfere with the successful execution of said work, or for damages for injury thereto; to do any and all things necessary or incident to the powers hereby granted, or to carry out any of the objects and purposes of this act; to require, by appropriate legal proceedings, 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 or any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to require the removal or alteration thereof for such purpose; provided, however, that nothing in this act contained shall be deemed to authorize said district in exercising any of its powers to take, damage or destroy any property or to require the removal, relocation, alteration or destruction of any bridge, railroad, wire line, pipeline, facility or other structure unless just compensation therefor be first made, in the manner and to the extent required by the Constitution of the United States and the Constitution of California.

In case of condemnation proceedings, the said board of supervisors shall proceed in the name of said district, under the provisions of Title 7, Part 3, of the Code of Civil Procedure of the State of California, which such 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 subject to the regulation and control of the State in the manner prescribed by law, and said board of supervisors of said district is hereby vested with full power to do all other acts or things necessary or useful for the promotion of the work of the control of the flood and storm waters of said district, and to conserve such waters for beneficial and useful purposes, and to protect from damage from such storm or flood waters the harbors, waterways, public highways and property in said district; 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; and provided further, that nothing in this act contained shall be construed as in any way affecting the plenary power of any incorporated city, city and county, or town, or municipal or county water district, to provide for a water supply of such public corporation, or as affecting the absolute control of any properties of such public corporations necessary for such water supply, and nothing herein contained shall be construed as vesting any power of control over such properties in said Los Angeles County Flood Control District, or in any officer thereof, or in any person referred to in this act; and provided further, that nothing in this act contained shall be deemed to authorize said board of supervisors to raise money for said district by any method or system other than that by the issuing of bonds, or the levying of a tax upon the assessed value of all the real property in said district in the manner in this act provided, except from the sale and lease of its property as herein provided.

Condemnation proceedings, etc

CHAPTER 1140

An act to amend Sections 420 and 422 of, and to add Section 425 to, the Government Code, relating to the State Emblems.

[Approved by Governor June 14, 1953. Filed with Secretary of State June 15, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 420 of the Government Code is amended to read:

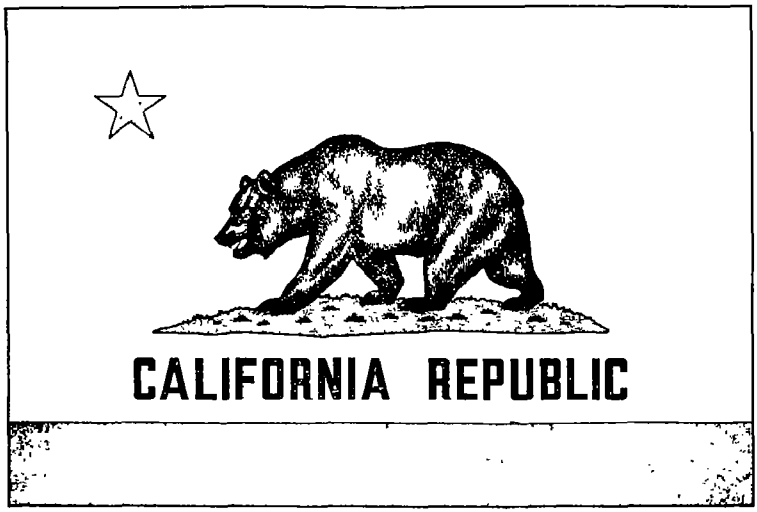
Bear Flag

420. The Bear Flag is the State Flag of California. As viewed with the hoist end of the flag to the left of the observer there appears in the upper left-hand corner of a white field a five-pointed red star with one point vertically upward and in the middle of the white field a brown grizzly bear walking toward the left with all four paws on a green grass plot, with head and eye turned slightly toward the observer; a red stripe forms the length of the flag at the bottom, and between the grass plot and the red stripe appear the words CALIFORNIA REPUBLIC.

Dimensions, excluding heading and unfinished flag ends: The hoist or flag width is two-thirds of the fly or flag length; the red stripe width is one-sixth of the hoist width. The state official flag hoist widths shall be two, three, four, five, six and eight feet. The diameter of an imaginary circle passing through the points of the star is one-tenth of the fly length; the distance of the star center from the hoist end is one-sixth of the fly length and the distance from the star center to the top of the flag is four-fifths of the star-center distance from the hoist end. The length of the bear diagonally from the nose tip to the rear of right hind paw is two-thirds of the hoist width; the height of the bear from shoulder tip vertically to a line touching the bottoms of the front paws is one-half the length of the bear; the location of the bear in the white field is such that the center of the eye is midway between the top and bottom of the white field and the midpoint of the bear's length is midway between the fly ends. The grass plot in length is eleven-twelfths of the hoist width and the plot ends are equidistant from the fly ends; the average width of the plot between the rear of the left front paw and the front of the right rear paw is one-tenth of the grass plot length. The height of the condensed gothic letters, as shown on the representation, is one-half of the red stripe width and they occupy a lineal space of two-thirds of the fly length with the beginning and ending letters of the words equidistant from the fly ends.

Colors: The following color references are those of the Textile Color Card Association of the United States, Inc., New York; the colors on the flag are to be substantially the same as these color references. White—of the white field, front of bear's eye, and on the bear's claws is White, cable number 70001. Red—of the red stripe, the star, and the bear's tongue is Old Glory, cable number 70180. Green—of the grass plot is Irish Green, cable number 70168. Brown—of the bear is Maple Sugar, cable number 70129. Dark brown—of the bear outline, paws, shading, fur undulations, iris of the eye, the 12 grass tufts in the grass plot, and the letters is Seal, cable number 70108.

The general design and the details of the Bear Flag, excluding colors, shall correspond substantially with the following representation:



This shall be the official State Flag of all state, county, city and town agencies. The flags now issued or in use shall continue in service until replacement is required.

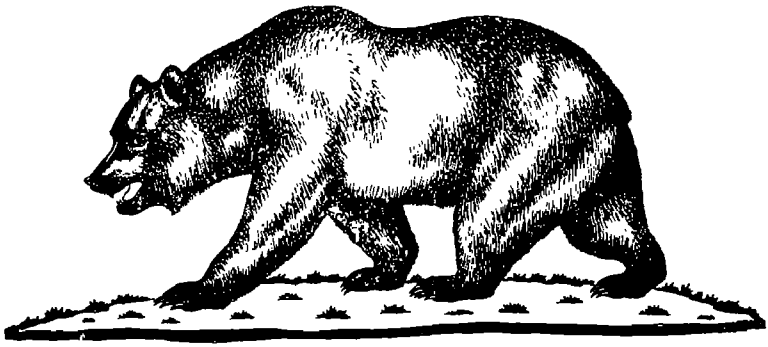
SEC. 2. Section 422 of the Government Code is amended to read:

422. The California redwood (Sequoia sempervirens, Sequoia gigantea) is the official state tree. Official state tree

SEC. 3. Section 425 is added to said code, to read:

425. The state animal is the California Grizzly Bear (Ursus Californicus) as depicted in outline, details, and in colors on the official representation in the custody of the Secretary of State. The color references of the bear shall be in accordance with those set forth in Section 420. State animal

All state representations of the state animal in details and in colors shall be in accordance with this section and shall correspond substantially with the following representation thereof:



CHAPTER 1141

An act to amend Sections 73432, 73433, 73434, 73435, 73436, 73437 and 73441 of, and to add Sections 73433.5, 73443 and 73444 to, the Government Code, relating to the municipal court in a district embracing the City of Bakersfield.

In effect September 9, 1953

[Approved by Governor June 15, 1953 Filed with Secretary of State June 16, 1953.]

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

SECTION 1. Section 73432 of the Government Code is amended to read:

Bakersfield Municipal Court District Clerks

73432. There shall be one clerk of the municipal court to be appointed by a majority of the judges of the court, who shall act as secretary of the court, and who shall receive a monthly salary in accordance with Sections 73433.5 and 73441.

SEC. 2. Section 73433 of said code is amended to read:

73433. The clerk of the municipal court may appoint the following, each of whom shall receive monthly salaries in accordance with Sections 73433 5 and 73441:

(a) One assistant clerk, to be designated as "account clerk";

(b) Three deputy clerks, to be designated as "department court clerk";

(c) One deputy clerk, to be designated as "intermediate clerk";

(d) One deputy clerk, to be designated as "municipal legal clerk, grade one";

(e) Three deputy clerks, to be designated as "municipal legal clerk, grade two";

(f) One deputy clerk, to be designated as "intermediate typist"; and

(g) Three deputy clerks, to be designated as "junior typist."

SEC. 3. Section 73433 5 is added to said code, to read:

Salaries

73433.5. The compensation of the clerk of the municipal court and his attaches shall be as follows:

(a) Title of position	No. of positions	Salary range A	B	C	D	E
Clerk of the municipal court	1	$355	$373	$392	$412	$433
Account clerk	1	278	292	307	322	338
Department court clerk	3	265	278	292	307	322
Intermediate clerk	1	229	240	252	265	278
Municipal legal clerk, grade one	1	278	292	307	322	338
Municipal legal clerk, grade two	3	252	265	278	292	307
Intermediate typist	1	229	240	252	265	278
Junior typist	3	198	208	218	229	240

(b) Within the positions set out in subdivision (a), there shall be five step levels which shall be designated as "Step A,"

"Step B," "Step C," "Step D," and "Step E," which are defined as follows:

"Step A" shall consist of the minimum rate of compensation for the position to which the salary range applies and shall be the hiring rate for such position;

"Step B" shall be the rate of compensation payable to any person who has occupied his position for one (1) year on the first day of the month following the anniversary of his appointment to the position;

"Step C" shall be the rate of compensation payable to any person who has occupied his position for two (2) years on the first day of the month following the anniversary of his appointment to the position;

"Step D" shall be the rate of compensation payable to any person who has occupied his position for three (3) years on the first day of the month following the anniversary of his appointment to the position; and

"Step E" shall be the rate of compensation payable to any person who has occupied his position for four (4) years on the first day of the month following the anniversary of his appointment to the position.

Upon the effective date of this compensation plan, the majority of the judges, as to the clerk of the municipal court, may place such employee in any step level at the salary range in his position as may be deemed just and proper, subject to Section 73441, and the clerk of the municipal court, with the approval of a majority of the judges, may place his deputies in any step level at the salary range in their respective positions as may be deemed just and proper, subject to Section 73441; provided, that in no event shall such persons be placed in a salary range which is less than the compensation that he was making at the time of the effective date of this compensation plan.

SEC. 4 Section 73434 is amended to read:

Marshal, deputy marshals, etc

73434. There shall be one marshal, who shall be elected, and who shall receive six thousand dollars ($6,000) annually. If the marshal in office on the ninety-first day after the 1953 Regular Session of the Legislature was a constable prior to the formation of the municipal court and became marshal by reason thereof, he shall continue in office until his successor is elected and qualifies. The marshal shall be elected by the electors of the judicial district at the general election in 1954 and shall hold office for a term of six years from and including the first Monday in January next succeeding his election. Thereafter, the marshal shall be elected by the electors of the judicial district at a general election and shall hold office for a term of six years from and including the first Monday in January next succeeding his election.

SEC. 5. Section 73435 of said code is amended to read:

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) Six deputy marshals, each of whom shall receive three hundred fifty dollars ($350) a month.

(d) Such number of keepers as may be necessary, at the fee allowed by law for keeping property.

SEC. 6. Section 73436 of said code is amended to read:

73436. Keepers of property taken under legal process shall be paid out of the funds deposited by the parties to the action in which such services are rendered.

SEC. 7. Section 73437 is amended to read:

73437. Neither the marshal nor the assistant marshal nor any of the marshal's deputies who receive a salary shall be entitled to retain any portion of the fees collected pursuant to law.

SEC. 8. Section 73441 of said code is amended to read:

Prior service credit

73441. Persons employed in the service on the ninety-first day after the 1953 Regular Session of the Legislature 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, 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. Changes of title created in establishing the municipal court shall not detract from years of prior service.

SEC. 9. Section 73443 is added to said code, to read:

Vacations, etc

73443. In addition to the compensation provided in this article, the attaches of the municipal court shall receive, and they shall be entitled to, the same vacations, sick leaves, and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of Kern, including the right to participate in any group, accident, health or life insurance plan adopted by the Board of Supervisors of the County of Kern.

SEC. 10. Section 73444 is added to said code, to read:

"Attache"

73444. The term "attache," as used in this article, means the clerk of the municipal court, the deputy clerks, the marshal, and his assistant, and deputy marshals.

CHAPTER 1142

An act to amend Section 13031.1 of the Education Code, relating to employment of school district employees requiring certification.

In effect September 9, 1953

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

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

SECTION 1. Section 13031.1 of the Education Code is amended to read:

13031.1. Each person employed by the governing board of a school district for a position requiring certification qualifications must, not later than 60 days after the date fixed by the governing board of the district for the commencement of his service, register in the manner prescribed by Section 12200 a valid certification document, issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 60 days after the renewal thereof, register the renewed certification document in the manner prescribed by Section 12200. If any person so employed is the holder of a California state college, or state teachers college, diploma accompanied by the certificate of the State Board of Education, or of an educational or life diploma of this State, and has presented the same to, and has had his name recorded by, the county superintendent of schools of the county as heretofore provided by this code, such person shall be deemed to have registered such diploma under Section 12200.

Certification document Registration

If required by an order of the county board of education, he shall also have on file with the county superintendent of schools a certificate from a physician and surgeon licensed under Chapter 5 of Division 2 of the Business and Professions Code showing that he has submitted to a physical examination within three years last past, including an X-ray of the lungs, and been found free from active tuberculosis.

Physical examination

CHAPTER 1143

An act to amend Section 436 of the Education Code, relating to the compensation of the county superintendent of schools.

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 436 of the Education Code is amended to read:

436. The annual salary of the county superintendent of schools of a county of the thirty-sixth 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.

Siskiyou County Superintendent of Schools Salary

CHAPTER 1144

An act to add Section 2556.5 to the Business and Professions Code, relating to dispensing opticians.

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2556.5 is added to the Business and Professions Code, to read:

Optician's certificate

2556.5. Any person who holds himself out as a "dispensing optician" or "registered dispensing optician" or who uses any other term or letters indicating or implying that he is registered and holds a certificate under the terms of this law without having at the time of so doing a valid, unrevoked certificate, as provided in this chapter, is guilty of a misdemeanor.

CHAPTER 1145

An act to amend Sections 74502, 74503, and 74504 of the Government Code, relating to the San Francisco Municipal Court.

In effect September 9, 1953

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

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

SECTION 1. Section 74502 of the Government Code is amended to read:

San Francisco Municipal Court Clerks

74502. The judges of the court shall appoint one clerk who shall also act as secretary to the judges and who shall be paid a minimum salary of nine hundred fifty dollars ($950) monthly during the first year of service, a salary of one thousand twenty-five dollars ($1,025) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand one hundred dollars ($1,100) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

SEC. 2. Section 74503 of said code is amended to read:

74503. The clerk shall appoint:

(a) One deputy clerk who shall be jury commissioner and who shall be paid a minimum salary of seven hundred dollars ($700) monthly during the first year of service, a salary of seven hundred twenty-five dollars ($725) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of seven hundred fifty dollars ($750) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(b) One deputy clerk who shall be chief division clerk, traffic department, and who shall be paid a minimum salary of six hundred twenty-five dollars ($625) during the first year of service, a salary of six hundred fifty dollars ($650) after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of six hundred seventy-five dollars ($675) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(c) One deputy clerk who shall be chief division clerk, civil department, and who shall be paid a minimum salary of six hundred twenty-five dollars ($625) monthly during the first year of service, a salary of six hundred fifty dollars ($650) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of six hundred seventy-five dollars ($675) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(d) One deputy clerk who shall be chief division clerk, criminal department, and who shall be paid a minimum salary of six hundred twenty-five dollars ($625) monthly during the first year of service, a salary of six hundred fifty dollars ($650) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of six hundred seventy-five dollars ($675) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(e) One deputy clerk who shall be chief division clerk, accounting department, and who shall be paid a minimum salary of six hundred twenty-five dollars ($625) monthly during the first year of service, a salary of six hundred fifty dollars ($650) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of six hundred seventy-five dollars ($675) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

SEC. 3. Section 74504 of said code is amended to read:

74504. The clerk shall also appoint: Same

(a) Five deputy clerks who shall be assistant chief division clerks and who shall be paid a minimum salary of five hundred thirty-five dollars ($535) monthly during the first year of service, a salary of five hundred fifty-five dollars ($555) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred seventy-five dollars ($575) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(b) Two deputy clerks who shall be paid a minimum salary of five hundred five dollars ($505) monthly during the first year of service, a salary of five hundred fifteen dollars ($515) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred twenty-five dollars ($525) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(c) One deputy clerk who shall be paid a minimum salary of four hundred sixty dollars ($460) monthly during the first year of service, a salary of four hundred eighty dollars ($480) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred dollars ($500) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment, while assigned to the department of the presiding judge.

(d) One deputy clerk who shall be paid a minimum salary of four hundred sixty dollars ($460) monthly during the first year of service, a salary of four hundred eighty dollars ($480) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred dollars ($500) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment, while assigned to the law and motion and small claims department.

(e) One deputy clerk who shall be paid a minimum salary of four hundred sixty dollars ($460) monthly during the first year of service, a salary of four hundred eighty dollars ($480) monthly after the first year of service, commencing on the first day of the month, following the first anniversary of his appointment, and a maximum salary of five hundred dollars ($500) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment, while assigned to the master calendar department.

(f) Eighteen deputy clerks who shall be paid a minimum salary of four hundred fifty dollars ($450) monthly during the first year of service, a salary of four hundred seventy-five dollars ($475) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred dollars ($500) after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(g) Ten deputy clerks who shall be paid a minimum salary of four hundred dollars ($400) monthly during the first year of service, a salary of four hundred twenty dollars ($420) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of four hundred forty dollars ($440) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(h) Sixteen deputy clerks who shall be paid a minimum salary of three hundred seventy dollars ($370) monthly during the first year of service, a salary of three hundred eighty dollars ($380) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of three hundred ninety

dollars ($390) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(i) Nineteen deputy clerks who shall be paid a minimum salary of three hundred forty-five dollars ($345) monthly during the first year of service, a salary of three hundred fifty-five dollars ($355) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of three hundred sixty-five dollars ($365) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(j) Twenty-three deputy clerks who shall be paid a minimum salary of three hundred dollars ($300) monthly during the first year of service, a salary of three hundred twenty dollars ($320) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of three hundred forty dollars ($340) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment. Same

(k) Two information clerks who shall also be telephone operators who shall be paid a minimum salary of two hundred eighty-five dollars ($285) monthly during the first year of service, a salary of two hundred ninety-five dollars ($295) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of three hundred five dollars ($305) monthly after the second year of service, commencing on the first day of the month following the second anniversary of her appointment. The telephone operators holding permanent appointments on the effective date hereof shall be deemed to be permanently appointed information clerks as of the date of the their permanent appointment as telephone operators.

CHAPTER 1146

An act to amend Sections 19364 and 19365 of the Government Code, relating to transfers of state civil service employees.

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 19364 of the Government Code is amended to read:

19364. Transfer of a permanent employee from one position to another in the same class under the same appointing power, or under a different appointing power if the transfer is made because of a transfer of functions from one state agency to

Transfer of civil service employee Probationary period

another, shall not require a new probationary period. Transfer of a probationer under like circumstances shall require service of the remainder of the probationary period.

Transfer of an employee from one class to another or from one appointing power to another shall require the service of a new probationary period unless such probationary period shall have been waived by the appointing power. An employee rejected during such probationary period shall be reinstated to the position from which he transferred.

SEC. 2. Section 19365 of said code is amended to read:

Examination

19365. A permanent employee may attain eligibility for transfer from a position in one class to a position in another involving substantially the same level of responsibility and duties and salary but requiring additional or different special requirements, by demonstrating in an examination conducted by the board that he possesses such additional or other special requirements of the class to which the transfer is proposed.

CHAPTER 1147

An act to amend Section 846 of the Fish and Game Code, relating to nets.

In effect September 9, 1953

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

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

SECTION 1. Section 846 of the Fish and Game Code is amended to read:

Limitation on use of nets

846. Nothing in this chapter authorizing the use of nets in Districts 19, 19A or 19B shall authorize the use of any net within 750 feet of any pier, wharf, jetty, or breakwater, except that dip nets may be used subject to the provisions of Section 959.

CHAPTER 1148

An act to add Section 12.1 to the Alameda County Flood Control and Water Conservation District Act, relating to charges for drainage facilities.

In effect September 9, 1953

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

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

SECTION 1. Section 12.1 is added to the Alameda County Flood Control and Water Conservation District Act, to read:

Drainage facility charges

Sec. 12.1. The board shall also have power to prescribe, revise and collect fees or charges for facilities furnished or to be furnished to any new building, improvement or structure by the

use of any flood control or storm drainage system constructed or to be constructed in and by a zone of the district. Revenues derived under this section shall be used for the acquisition, construction, reconstruction, maintenance and operation of the flood control or storm drainage facilities of the said zone, or to reduce the principal or interest of any bonded indebtedness thereof.

CHAPTER 1149

An act to amend Section 25504 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 25504 of the Business and Professions Code is amended to read:

Alcoholic beverages 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 25500 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.

CHAPTER 1150

An act to add Section 72604 to the Government Code, relating to court reporters in municipal courts in counties having a population of 2,000,000 or over.

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 72604 is added to the Government Code, to read:

Municipal court reporters' fees Los Angeles County

72604. Notwithstanding the provisions of Section 274c of the Civil Code of Procedure and Sections 69947 to 69953 of the Government Code, or any other provision of law in conflict herewith, in each municipal court in counties having a population of 2,000,000 inhabitants, or over, as determined by the 1950 federal

census, except in municipal court districts where a statute provides otherwise, the official reporter and official reporters pro tempore shall receive for their services a fee of twenty-five dollars ($25) per day. All other fees of such reporters for transcriptions shall be as provided in Sections 69947 to 69953 of the Government Code.

CHAPTER 1151

An act to amend Sections 53820, 53821, 53822, 53825, 53828, 53829 and 53832 of the Government Code, relating to temporary borrowing by municipal or public corporation or district, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

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

SECTION 1. Section 53820 of the Government Code is amended to read:

"Local agency"

53820. As used in this article, "local agency" means county, city, regional park district, school district, junior college district, or any other municipal or public corporation or district.

SEC. 2. Section 53821 of the Government Code is amended to read:

Borrowing by local agencies

53821. Subsequent to approval of the final budget and levy of taxes, if funds are needed for the immediate requirements of a local agency in any fiscal year to pay obligations lawfully incurred in the fiscal year and before the receipt of income for the fiscal year sufficient to meet the payments, money may be borrowed by:

(a) The legislative body of a county on the recommendation of the auditor and treasurer.

(b) The legislative body of the county having the largest area within the regional park district on the recommendation of the auditor and treasurer.

(c) A school district or junior college district on the request of two-thirds of the members of its governing board, approved by the county auditor and treasurer.

(d) A regional park district on the request of four-fifths of the members of its legislative body, approved by the auditor and treasurer of the county having the largest area within the district.

(e) The legislative body of a city on the recommendation of the city treasurer and chief accounting officer.

(f) The legislative body of any other municipal or public corporation or district on the recommendation of the officers performing the functions of auditor and treasurer.

SEC. 3. Section 53822 of said code is amended to read:

Limitations

53822. Money may be borrowed on notes, tax anticipation warrants, or other evidences of indebtedness on behalf of the local agency in an amount not to exceed 50 percent of:

(a) The revenue from taxes for the current fiscal year or that portion of the taxes not collected at the time of borrowing, where the borrowing is by a county, city, or municipal or public corporation or district, other than a school district or junior college district.

(b) The estimated income and revenue for the current fiscal year or that portion not collected at the time of borrowing, where the borrowing is by a school district or junior college district.

SEC. 4. Section 53825 of said code is amended to read:

53825. The resolution shall state the necessity for the borrowing and: Resolution contents

(a) The amount of revenue from taxes provided for the county, city, or municipal or public corporation or district, other than a school district or junior college district, for the current fiscal year.

(b) The amount of income and revenue provided for the current fiscal year for the school or junior college district or the estimated amount of income and revenue to be received during the current fiscal year from apportionments from the State School Fund, high school fund, or junior college fund and from the State General Fund, if the borrowing is by a school or junior college district and occurs before taxes are levied.

SEC. 5. Section 53828 of said code is amended to read:

53828. The notes, tax anticipation warrants, or other evidences of indebtedness shall be signed by: Signatures

(a) The chairman of the board of supervisors and countersigned by the auditor and treasurer of the county or of the county having the largest area within the regional park district.

(b) The mayor, and countersigned by the city treasurer and chief accounting officer, for a city.

(c) The presiding officer of the legislative body, and countersigned by the officers performing the functions of auditor and treasurer of the municipal or public corporation or district.

SEC. 6. Section 53829 of said code is amended to read:

53829. The repayment of money borrowed by a county, city, or municipal or public corporation or district other than a school district or junior college district constitutes a first lien and charge against the taxes levied for the fiscal year in which it was borrowed and shall be repaid from the first money received by the county, city, or municipal or public corporation or district other than a school district or junior college district from the taxes Payment of loan

SEC. 7. Section 53832 of said code is amended to read:

53832. Loans made pursuant to this article shall be made solely for the purpose of anticipating income. In the case of a county, a city, or a municipal or public corporation or district other than a school district or junior college district, the loans shall be made solely upon the credit of revenue from taxes provided for the fiscal year in which loans are made. In the case of a school or junior college district, the loans shall be made solely Credit limitation

upon the credit of income and revenue provided for the fiscal year in which loans are made.

Urgency

SEC. 8. 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 bill is to extend the authority now available to certain types of entities to borrow money on a temporary basis to other municipal and public corporations within the State. Its purpose is to relieve temporary financial crises within these entities. In order that their fiscal affairs may be put in order as soon as possible, it is necessary that this bill take immediate effect.

CHAPTER 1152

An act to amend Section 72300 of the Government Code, relating to business hours of a municipal court having three or more judges.

In effect September 9, 1953

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

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

SECTION 1. Section 72300 of the Government Code is amended to read:

Municipal court business hours. Three or more judge court

72300. In a district or city and county in which the municipal court is composed of three or more 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.

CHAPTER 1153

An act to amend Sections 336 and 337.5 of the Code of Civil Procedure, relating to period of limitation.

In effect September 9, 1953

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

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

SECTION 1. Section 336 of the Code of Civil Procedure is amended to read:

336. Within five years:

Statutes of limitation

An action for mesne profits of real property.

SEC. 2. Section 337.5 of said code is amended to read:

337.5. Within 10 years:

1. An action upon any bonds or coupons issued by the State of California.

2. An action upon any general obligation bonds or coupons, not secured in whole or in part by a lien on real property, issued by any county, city and county, municipal corporation, district (including school districts), or other political subdivision of the State of California.

3. An action upon a judgment or decree of any court of the United States or of any state within the United States.

CHAPTER 1154

An act to add Sections 4.2, 4.3, and 4.4 to the Drainage District Improvement Act of 1919 (Chapter 354, 1919 Statutes), relating to the construction of works.

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 4.2 is added to the Drainage District Improvement Act of 1919, to read:

Preliminary report

Sec. 4.2. Any provisions elsewhere in this act notwithstanding, the board of supervisors may, by resolution, direct the engineer of construction to prepare and file with the board a preliminary report setting forth (a) a general description of the work proposed to be done to carry out the objects of the proposed district, (b) a general plan and general specifications of the work, (c) a general description of the property proposed to be acquired or damaged in carrying out the work, (d) a map showing the boundaries of the proposed district and, in general, the location of the work proposed to be done, property taken or damaged and any other information useful to the understanding of the proposed work, (e) an estimate of the cost of the proposed work including acquisition, engineering and construction costs. When completed the report shall be filed with the board of supervisors and shall remain on file at the clerk's office for the inspection of all persons interested.

SEC. 2. Section 4.3 is added to the Drainage District Improvement Act of 1919, to read:

Same Hearing and notice

Sec. 4.3. Upon filing of the report as provided in Section 4.2, the board of supervisors shall fix a time and place for the hearing on the report and shall order the clerk to give notice of said hearing by publication twice in a newspaper of general circulation published in the county. He shall forthwith give such notice pursuant to said order. Said notice shall (a) state the name and nature of the district, (b) state the title of law under

which the district is being formed, (c) state the filing of the preliminary report of the engineer of construction, (d) state that the report may be inspected in the clerk's office, (e) designate the proposed district boundaries, (f) state the time and place for the hearing, (g) state that at the hearing protests will be considered by the board of supervisors.

SEC. 3. Section 4.4 is added to the Drainage District Improvement Act of 1919, to read:

Board determination

Sec. 4.4. At the conclusion of said hearing on said preliminary report, the board of supervisors shall determine whether or not final plans and specifications shall be prepared by the engineer as provided in Section 5 and other provisions of this act. In the event the board determines that the preparation of said plans and specifications are not economically feasible or that the formation of such district is not feasible, the board may abandon all further proceedings on the formation of the district, or, in lieu thereof, it may order the preparation of the final plans and specifications in accordance with the recommendations of the engineer as approved by said board; provided, that it shall be mandatory that said proceedings be abandoned if, before the conclusion of said hearing, written protests against formation are filed with the clerk of the board by the owners of a majority of the property located within the proposed boundaries of said district as shown in said engineer's report according to its assessed value on the assessment roll, and such protests have not been withdrawn so as to reduce the protests to less than a majority.

Protests

CHAPTER 1155

An act to amend Section 15153 of and to add Sections 6522.1 and 15153.2 to the Health and Safety Code, relating to housing.

In effect September 9, 1953

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

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

SECTION 1. Section 15153 of the Health and Safety Code is amended to read:

Local housing ordinances, etc

15153. Subject to the provisions of Section 15153.2 the governing body of any city or county may enact ordinances or laws imposing restrictions greater than those imposed by this part, or prescribing fees for permits, certificates, or other papers required by this part.

SEC. 2. Section 15153.2 is added to said code, to read:

15153.2. An ordinance or that portion of an ordinance or code incorporated in an ordinance, which regulates or prescribes standards for the installation of plumbing outside of buildings or structures in the unincorporated area of a county for the purpose of connecting such building or structure to sewer mains, shall not be effective within the boundaries of a sanitary district formed pursuant to Part 1 of Division 6 of this code

which has adopted an ordinance or regulation governing such installations and requiring inspection and the payment of fees therefor.

SEC. 3. Section 6522.1 is added to said code, to read:

6522.1. No regulation or ordinance of a district which regulates or prescribes standards for the installation of plumbing inside of buildings and structures, shall be effective within any county, city and county, or city which has adopted an ordinance, regulation, or code incorporated in an ordinance governing such installations.

CHAPTER 1156

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, declaring the urgency of this act, to take effect immediately.

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.] In effect immediately

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

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

(a) The term "public body" means counties, cities and counties, cities, school districts of any kind or class, junior college districts, irrigation districts, irrigation district improvement districts, irrigation district distribution districts, reclamation districts, drainage districts, levee districts, county power pumping districts, public utility districts, municipal utility districts, municipal improvement districts, sanitary districts, sanitation districts, sewer maintenance districts, garbage disposal districts, air pollution control districts, unified air pollution control districts, county sewerage and water districts, municipal sewer districts, joint municipal sewage disposal districts, metropolitan water districts, county water districts, county water works districts, water districts, water storage districts, municipal water districts of any kind, water conservation districts, conservancy districts, pest control districts, weed abatement districts, horticultural improvement districts, mosquito abatement districts, soil conservation districts, county fire protection districts, bridge and highway districts, joint highway districts, highway districts, highway lighting districts, permanent road divisions, road districts, cemetery districts, airport districts, port districts, river port districts, harbor districts, recreational harbor districts, harbor improvement districts, municipal port districts, joint harbor improvement districts, flood control districts, storm water districts, library districts, fire protection districts, county maintenance districts, assessment districts, separation of grade districts, park recreation and parkway districts, recreation park and parkway districts, regional park districts, public cemetery districts, local hospital districts, local "Public body."

health districts, veterans' memorial districts, citrus pest control districts, county water authorities, zones of flood control districts, vehicle parking districts, community service districts, garbage and refuse disposal districts, parking districts, and parking authorities.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

"Bonds"

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

Validation, etc Organizations

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

Boundaries

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

Annexation

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

Union of elementary and union elementary school districts

SEC. 4.5. The purported uniting, between December 1, 1952, and February 1, 1953, under Article 4 of Chapter 9 of Division 2 of the Education Code, of an elementary school district situated in one county and a union elementary school district situated in another county shall be deemed, for all purposes, to have resulted in the formation of a joint union elementary school district pursuant to the provisions of Article 2 of Chapter 9 of Division 2 of the Education Code.

Bonds

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

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

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

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

(c) Nothing contained herein shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

(d) This act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective, or to confirm, validate or legalize the organization of, or any proceedings for the organization of any municipal corporation, when any part of the area of such municipal corporation within the boundaries thereof described in the resolution or order of the board of supervisors defining and establishing the boundaries of the proposed municipal corporation has been held by any court to be a part of another municipal corporation or has, directly or indirectly, been held illegally included within such boundaries of the proposed municipal corporation as described in said resolution or order of the board of supervisors or in the notice of election on the incorporation of the proposed municipal corporation.

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

SEC. 7. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time Definition

prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

Short title

SEC. 8. This act may be cited as the First Validating Act of 1953.

Urgency

SEC. 9. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the State require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the State can be afforded the protection of the police, fire, safety, sanitary and other regulations and protections provided by public bodies;

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, water works, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, fire houses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health, and safety, and immediately needed to provide for an increased population;

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, water works, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, fire houses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 1157

An act to amend Section 701 of the Vehicle Code, relating to trailers and towed vehicles.

In effect September 9, 1953

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

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

SECTION 1. Section 701 of the Vehicle Code is amended to read:

Towing regulations

701. Trailers and Towed Vehicles. (a) When one vehicle is towing another, the drawbar or other connection shall not exceed 15 feet.

(b) The upper and lower halves of every fifth wheel connecting device on any semitrailer and truck-tractor or auxiliary dolly, respectively, shall be securely affixed to such vehicles to prevent shifting of such device on the vehicle to which it is attached.

(c) Locking means shall be provided in every fifth wheel mechanism, including adapters when used, so that the upper and lower halves may not be separated without the operation of a positive manual release. Automatic locking devices on fifth wheels designed and constructed to be readily separable shall be required on any motor vehicle first required to be registered in this State after January 1, 1954.

(d) Every drawbar and trailer hitch or coupling used as a means of attaching the towed and towing units shall be properly and securely mounted and be structurally adequate for the weight drawn. The mounting of the trailer hitch on the towing motor vehicle shall include sufficient reinforcement or bracing of the frame to provide sufficient strength and rigidity to prevent undue distortion of the frame.

(e) Every towed vehicle shall be coupled to the towing vehicle by means of a safety chain, chains, cables or equivalent devices in addition to the regular trailer hitch or coupling. This requirement shall not apply to a semitrailer having a connecting device composed of a fifth wheel and kingpin assembly, nor to a pole or pipe dolly. No more slack shall be left in safety chains, cables, or equivalent device than shall be necessary to permit proper turning and the safety chains, cables or equivalent device shall be so connected to the towed and towing vehicle and to the drawbar to prevent the drawbar from dropping to the ground if the drawbar fails and shall be of sufficient strength to control the trailer in event of failure of the regular trailer hitch or coupling.

(f) The foregoing provisions of this section shall not apply to vehicles of a kind specified in Section 39.7 of this code or to the drawbar or other connection between a motor vehicle and a pole or pipe dolly or to any lawful trailer used as a pole or pipe dolly.

(g) No person shall operate a train of vehicles when any trailer, semitrailer or other vehicle being towed whips or swerves from side to side dangerously or unreasonably or fails to follow substantially in the path of the towing vehicle.

CHAPTER 1158

An act to amend Section 20393 of, and to add Section 20393.1 to the Education Code, relating to dismissal of employees of state colleges.

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 20393 of the Education Code is amended to read:

Notice of dismissal

20393. Notice of such dismissal must, except as herein provided, be given such employee in writing by the Director of Education at least six months prior to the date on which such dismissal is to become effective, except that in the case of any employee who, in the considered opinion of the president of the college in which he is employed, is guilty of immorality or unprofessional conduct or is by reason of obvious physical or mental condition not fitted to instruct or associate with students, no notice prior to the dismissal of such employee need be given but such employee shall, in any event, be given notice in writing of his dismissal by the Director of Education not later than the date upon which his dismissal becomes effective.

In every case the reasons for the dismissal of an employee shall be clearly stated in writing in the notice of dismissal given to the employee and shall contain the effective date of dismissal.

SEC. 2. Section 20393.1 is added to said code, to read:

"Unprofessional conduct"

20393.1. "Unprofessional conduct" as used in Section 20393 includes, but is not limited to:

(a) Membership in, or active support of, a "Communist front," a "Communist action" organization, or a Communist organization, as those terms are now defined in the act of the Congress of the United States designated as "Internal Security Act of 1950."

(b) Persistent active participation in public meetings conducted or sponsored by an organization mentioned in subdivision (a) of this section.

(c) Wilful advocacy of the overthrow of the Government of the United States or of the State, by force, violence or other unlawful means, either on or off the campus.

(d) Wilful advocacy of communism, either on or off the campus, for the purpose of undermining the patriotism of pupils, or with the intent to indoctrinate any pupil with communism or inculcate a preference for communism in the mind of any pupil.

CHAPTER 1159

An act to amend Section 5091 of the Business and Professions Code, relating to examinations for certified public accountants.

In effect September 9, 1953

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

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

SECTION 1. Section 5091 of the Business and Professions Code is amended to read:

Admission to C. P. A. examination

5091. An applicant for admission to the examination for a certified public accountant certificate shall (a) be a citizen of the United States, or have declared his intention of becoming a citizen, (b) have been a bona fide resident of the State of California for at least three months immediately preceding the time his application is filed, (c) be over the age of 21 years, (d) be

of good moral character and (e) shall comply with any of the following:

(1) He shall present satisfactory evidence that he has successfully completed a four-year day high school course, or the equivalent hours of courses in an evening high school, which included three years of English and two years of mathematics, and in addition thereto has successfully completed two years' courses of study of college grade.

(2) He shall present satisfactory evidence that he has successfully completed a four-year day high school course or the equivalent hours of courses of study in an evening high school, which included three years of English and two years of mathematics, and in addition thereto has graduated from a junior college of recognized standing.

(3) He shall show, to the satisfaction of the board, that he has had the equivalent of the educational qualifications required by paragraphs (1) or (2) of this subsection, or shall pass a preliminary written examination given by the board and approved by the California State Director of Education. Where an applicant takes the preliminary examination he shall pay the preliminary fee as provided in Article 4.

(4) He shall be a public accountant registered under this chapter.

The board may require an applicant to appear in person to determine whether his qualifications are as prescribed in this chapter and rules of the board thereunder.

CHAPTER 1160

An act to amend Section 17305 of the Revenue and Taxation Code, relating to income taxes.

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 17305 of the Revenue and Taxation Code is amended to read:

17305. In computing net income there shall be allowed as a deduction taxes or licenses paid or accrued during the taxable year, except:

Nondeductible taxes

(a) Taxes paid or accrued to the State under this part.

(b) Taxes on or according to or measured by income or profits paid or accrued within the taxable year imposed by the authority of

(1) The Government of the United States or any foreign country.

(2) Any state, territory, county, city and county, school district, municipality, or other taxing subdivision of any state or territory.

(c) Estate, inheritance, legacy, succession, and gift taxes.

(d) Taxes computed as an addition to, or as a percentage of, taxes which are not deductible under this section.

(e) Taxes assessed against local benefits of a kind tending to increase the value of the property assessed, but this does not exclude the allowance as a deduction of so much of the taxes assessed against local benefits as is properly allocable to maintenance or interest charges. Nor does this exclude the allowance of any irrigation or other water district taxes or assessments which are levied for the payment of the principal of any improvement or other bonds for which a general assessment on all lands within the district is levied as distinguished from a special assessment levied on part of the area within the district.

CHAPTER 1161

An act to amend Section 8252 of, and to add Section 8748 to, the Health and Safety Code, relating to cemeteries.

In effect September 9, 1953

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

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

SECTION 1. Section 8252 of the Health and Safety Code is amended to read:

Cemetery operation

8252. It is unlawful for any corporation, copartnership, firm, trust, association, or individual to engage in or transact any of the businesses of a cemetery within this State except by means of a corporation duly organized for such purposes.

SEC. 2. Section 8748 is added to said code, to read:

Merger of endowment care funds

8748. Where an endowment care mausoleum or mausoleum-columbarium is operated within an endowment care cemetery and the cemetery corporations or cemetery authorities owning or operating each merge and consolidate into one cemetery authority or corporation, the endowment care funds established by each may be consolidated and merged into one endowment care fund. Such merger shall be accomplished by the execution of a declaration of trust by the successor cemetery authority or corporation, which declaration shall provide:

Same Declaration

(a) That the assets of each endowment care fund shall be merged and consolidated into one endowment care fund which shall be held and administered by the directors of the successor cemetery authority or the trustees appointed by them for the care, maintenance, and embellishment of both cemeteries in accordance with the provisions of this code.

(b) That the income from such endowment care funds shall be used for the general care, maintenance, and embellishment for the cemetery as a whole, or, if the income from such consolidated fund is to be divided between such mausoleum or mausoleum-columbarium and cemetery, the proportion or manner in which it is to be divided.

(c) That it accepts and will administer all special care funds for the purpose for which they were established and in accordance with the provisions of this code.

The declaration of trust shall be approved by all of the trustees of each endowment care fund and by the directors of the cemetery authority or corporation appointing such trustees, which approval shall be endorsed upon such declaration of trust. The declaration of trust shall not be effective unless and until approved by the State Cemetery Board.

An executed copy of such declaration of trust so approved shall be filed with the State Cemetery Board and in the office of the cemetery authority or corporation owning or operating such cemetery, where it shall be available for inspection by any owner of property therein.

Upon approval of the declaration of trust by the State Cemetery Board, the assets and liabilities of such endowment care funds shall be deemed merged and consolidated into one endowment care fund, and the trustees of, or appointed by, the cemetery authority or corporation handling such funds shall be immediately vested with the title to all of the assets and subject to all of the liabilities thereof. The trustees of the endowment care funds which have been thus merged or consolidated shall be relieved of any obligations or duties arising subsequent to such merger or consolidation

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CHAPTER 1162

An act to amend Section 8521 of the Business and Professions Code, relating to structural pest control.

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 8521 of the Business and Professions Code is amended to read:

Membership of Structural Pest Control Board. Number and qualifications

8521. The board is composed of five members, all of whom shall be, and shall have been for a period of not less than five years preceding the date of their appointment, operators licensed under this chapter actively engaged in the business of pest control and who are residents of this State.

CHAPTER 1163

An act to amend Section 8556 of the Business and Professions Code, relating to structural pest control.

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 8556 of the Business and Professions Code is amended to read:

Application of wood preservatives, etc

8556. Licensed contractors acting in their capacity as such, may apply wood preservatives directly on wood by brush, dip or spray method, and may remove and replace any structure or portions of a structure damaged by wood destroying pests or organisms.

This exemption does not authorize the performance of any other acts defined in Section 8505 (a).

CHAPTER 1164

An act to amend Section 6535 of the Business and Professions Code, relating to barber colleges.

In effect September 9, 1953

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

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

SECTION 1. Section 6535 of the Business and Professions Code is amended to read:

Approval of barber colleges

6535. No college of barbering shall be approved by the board unless it requires as a prerequisite to admission thereto graduation from an eighth grade grammar school, or its equivalent as determined by an examination conducted by the board, and unless it requires as a prerequisite to graduation a course of instruction of not less than 1,000 hours to be completed within six months of not more than eight hours in any one working day except that in the case of a part-time student the course of instruction shall be completed within 12 months of not more than eight hours in any one working day.

This course of instruction shall include the following subjects: Scientific fundamentals of barbering, hygiene, histology of the hair, skin and nails, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics, massaging and manipulating the muscles of scalp, face or neck, haircutting, shaving and arranging, dressing, coloring, bleaching and tinting the hair.

CHAPTER 1165

An act prescribing the powers and duties of the judges of the municipal courts in Los Angeles County in matters of common concern, and to provide for methods and procedures for their common action.

In effect September 9, 1953

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

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

Short title

SECTION 1. This act may be cited as the Los Angeles County Municipal Court Judges Act.

SEC. 2. Under such organization, rules and procedure as the judges of the municipal courts established in Los Angeles County may adopt therefor, all of such judges in said county shall constitute and be an aggregate official body for their consideration and action in matters of judicial business and in matters connected with judicial administration deemed of common interest by said judges; and, for the discharge of any functions devolving collectively upon them by law, such as but not limited to, the adoption of bail schedules, the selection of law library trustees, the appointment, removal and supervision of the Marshal of Municipal Courts, Los Angeles County, and selection of bailiffs to serve in such courts.

Official body of municipal court judges of Los Angeles County

SEC. 3. For the purpose of organization of said judges as provided herein, the judges of the municipal courts in Los Angeles County, upon five days' notice in writing, shall meet at a time and place designated by the presiding judge of the municipal court of the Los Angeles Judicial District; and shall thereupon by majority vote or by written assent of a majority of said judges organize as herein provided; and, thereafter, by majority vote may adopt rules or by-laws under which to conduct the affairs and proceedings of said body, including therein provision for officers and committees of said body, and defining their composition, qualification, powers and duties.

SEC. 4. Any existing voluntary organization of the judges of the municipal courts of Los Angeles County, heretofore formed and governed substantially as hereinabove provided, may constitute such organization, and the by-laws thereof shall govern the same when so declared by the vote of a majority of the judges of such courts, assembled as provided in Section 3 for such purpose.

CHAPTER 1166

An act to amend Sections 17, 25, 26, 90, 123, and 124 of the Solvang Municipal Improvement District Act, relating to the Solvang Municipal Improvement District.

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 17 of the act cited in the title is amended to read:

Sec. 17. "President" and "secretary" mean the president and secretary, respectively, of the district.

"President" and "secretary"

SEC. 2. Section 25 of said act is amended to read:

Sec. 25. The board is the governing power of the district and shall consist of five (5) members. The officers of the district are the five members of the board.

Board

SEC. 3. Section 26 of said act is amended to read:

Sec. 26. The first district officers shall be the members of the sanitary board of the sanitary district. The term of office of

each member shall remain the same as his present term of office. Elections of subsequent members of the board shall be at the time and conducted in the manner provided for elections of members of the samtary board under Part 1 of Division 6 of the Health and Safety Code.

SEC. 4. Section 90 of said act is amended to read:

Bonds

Sec. 90. 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 six percent (6%) per annum, payable semiannually 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. 5. Section 123 of said act is amended to read:

Special tax levy

Sec 123. If the board fails to furnish the written statement the board of supervisors shall ascertain the amount necessary to pay the interest on the bonds for that year and the portion of the principal that is to become due before the proceeds of the next general tax levy shall become available, and shall levy and cause to be collected the amount.

SEC. 6. Section 124 of said act is amended to read:

Sec. 124. The tax shall be collected at the same 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 the credit of the proper district fund, as provided in Article 9 hereof. The board shall control and order its expenditure.

CHAPTER 1167

An act to add Section 35005 to the Government Code, relating to annexation of territory to cities.

In effect September 9, 1953

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

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

SECTION 1. Section 35005 is added to the Government Code, to read:

Firemen of annexed fire protection districts

35005. Whenever a city which maintains a fire department consisting of paid firemen annexes territory which comprises all or part of a fire protection district, the city shall employ in its fire department such number of full-time paid firemen of the fire protection district as may be needed to provide adequate fire protection service in the annexed territory. To be eligible for such employment, a fireman shall have had two or more years of service as a full-time fireman with the district territory of which has been annexed to the city and shall possess such physi-

cal qualifications as are comparable to those possessed by city firemen of like age. No such fireman shall be disqualified because he is older than the maximum age at which the commencement of employment is otherwise permitted, if he is not older than the age at which retirement from such employment is compulsory.

CHAPTER 1168

An act to add Section 650.7 to the Vehicle Code, relating to lamp equipment and signal devices on motor vehicles.

[Approved by Governor June 15, 1953. Filed with Secretary of State June 16, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 650.7 is added to the Vehicle Code, to read:

650.7. Nothing in this code shall prevent the use of revolving red lights on any fire fighting apparatus.

Lights on fire fighting apparatus

CHAPTER 1169

An act to amend Section 28118 of the Government Code, relating to the compensation of county officials.

[Approved by Governor June 15, 1953. Filed with Secretary of State June 17, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 28118 of the Government Code is amended to read:

28118. In a county of the eighteenth 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:

Ventura County officers' salaries

(a) The auditor, seven thousand four hundred twenty dollars ($7,420) a year. The auditor shall devote his full working time to the duties of his office.

(b) The district attorney, twelve thousand dollars ($12,000) a year and actual traveling expenses while away from his office on county business, and shall be furnished an automobile for use in the performance of his duties. When traveling in his own car he shall receive nine cents ($0.09) for each mile actually traveled. He shall not personally engage in private law practice.

(c) Each supervisor, four thousand eight hundred dollars ($4,800) a year and his necessary expenses when attending to the business of the county. When traveling in his own car on county business he shall receive nine cents ($0.09) for each mile actually traveled.

(d) For acting as a grand juror for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars ($5). For every mile actually traveled as a grand juror in attending court, grand jury meetings, regularly called committee meetings, or when properly appointed by the foreman of the grand jury to make individual investigations nine cents ($0.09) for each mile actually traveled.

(e) Trial jurors in criminal cases, shall receive as compensation for each day's attendance for trial in the superior courts the sum of three dollars ($3) per day, and for each mile actually and necessarily traveled from their residence in attending the superior court, one way only, the sum of fourteen cents ($0.14) per mile.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 1170

An act to amend Section 408 of the Education Code, relating to the compensation of the county superintendent of schools of a county of the eighth class.

In effect September 9, 1953

[Approved by Governor June 15, 1953. Filed with Secretary of State June 17, 1953.]

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

SECTION 1. Section 408 of the Education Code is amended to read:

Sacramento County School superintendent's salary

408. The annual salary of the county superintendent of schools of a county of the eighth class is eleven thousand dollars ($11,000), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 1171

An act to repeal Section 949 of the Fish and Game Code, relating to nets.

In effect September 9, 1953

[Approved by Governor June 15, 1953. Filed with Secretary of State June 17, 1953.]

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

Repeal

SECTION 1. Section 949 of the Fish and Game Code is repealed.

CHAPTER 1172

An act to amend Section 724, and to repeal Section 723 of the Fish and Game Code, relating to catfish.

[Approved by Governor June 15, 1953. Filed with Secretary of State June 17, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 723 of the Fish and Game Code is repealed.

SEC. 2. Section 724 of said code is amended to read:

Catfish tags

724. No catfish may be sold, except that tagged catfish imported from without the State, and domestically raised catfish, may be sold at any time. Such imported catfish shall be tagged with metallic tags inscribed "C. F. & G. C." or "C. F. & G. D." The applicant for such tags shall pay the department one cent ($0.01) for each tag. One of said tags shall be affixed to each catfish, and said tags shall remain so affixed until the fish has been prepared for consumption. No tag shall be used more than once.

CHAPTER 1173

An act to amend Section 28125 of the Government Code, relating to compensation for public employment of counties of the twenty-fifth class.

[Approved by Governor June 15, 1953. Filed with Secretary of State June 17, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 28125 of the Government Code is amended to read:

Santa Cruz County Officers' salaries

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:

(a) The auditor, six thousand five hundred dollars ($6,500) a year.

(b) The district attorney, eight thousand dollars ($8,000) a year. He shall not engage in the private practice of law.

(c) The chairman of the board of supervisors, three thousand six hundred dollars ($3,600) a year, and each other supervisor, three thousand dollars ($3,000) a year. 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 cent ($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.

CHAPTER 1174

An act to repeal Sections 2734, 2813, 2827, and 2828 of and to amend Sections 2708, 2718, 2729, 2733, 2736, 2736.5, 2738, 2741, 2811, and 2815 of, and to add Sections 2732.1 and 2733.1 to, the Business and Professions Code, relating to the practice of nursing.

In effect September 9, 1953

[Approved by Governor June 15, 1953. Filed with Secretary of State June 17, 1953.]

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

Repeal

SECTION 1. Sections 2734, 2813, 2827, and 2828 of the Business and Professions Code are repealed.

SEC. 2. Section 2708 of said code is amended to read:

Board of Nurse Examiners Executive secretary

2708. The board shall appoint an executive secretary who shall perform the duties delegated by the board and who shall be responsible to it for the accomplishment of such duties.

The executive secretary shall be a nurse currently licensed under this chapter and shall have had not less than seven years of active nursing practice, of which not less than two years shall have been in an administrative or teaching capacity in a school of nursing acceptable to the board or in a public health agency acceptable to the board. The executive secretary shall not be a member of the board.

SEC. 3. Section 2718 of said code is amended to read:

Advisory council

2718. The advisory council to the Board of Nurse Examiners of the State of California is hereby continued in existence. The advisory council shall be composed of:

(a) Two persons who are members of and shall represent the California State Medical Association.

(b) One person who is a member of and shall represent the California Hospital Association.

(c) One person who is a member of and shall represent the Western Conference of the Catholic Hospital Association.

(d) Two persons who are members of and shall represent the California League for Nursing, one representative to be from the nursing education department and one from the public health department of the organization.

(e) Two persons who are members of and shall represent the California State Nurses' Association.

(f) One person who is a member of and shall represent the California Teachers' Association.

(g) The Director, State Department of Public Health, or his representative.

(h) Three lay members, representing the public.

The three lay members shall be appointed by the Governor for a term of three years. The other members, except for the Director of the State Department of Public Health, who shall serve ex officio, shall be appointed by the Board of Nurse Examiners for a term of three years as provided in this section.

Within 30 days after this section goes into effect, and thereafter within 30 days after any vacancy occurs, each of the above mentioned organizations whose members may be qualified to fill the vacancy and/or vacancies then existing, shall submit to the Board of Nurse Examiners the names of persons qualified to represent it on said advisory council, from which said lists the board shall make its appointments The list or lists so submitted shall each contain not less than twice the number of names of qualified persons as there shall be vacancies existing.

SEC. 4. Section 2729 of said code is amended to read:

Student nurses

2729 Nursing services may be rendered by a student enrolled in an accredited school of nursing when these services are incidental to his course of study.

SEC. 5. Section 2732.1 is added to said code, to read:

Examination application

2732.1 An applicant for license by examination shall submit a written application in the form prescribed by the board, accompanied by the fee prescribed by this chapter.

Upon approval of the application, the board may issue an interim permit authorizing the applicant to practice nursing pending the results of the first licensing examination following completion of his nursing course.

SEC. 6. Section 2733 of said code is amended to read:

License without examination

2733. The board upon written application and receipt of the required registration fee may issue a license without examination to any applicant who is licensed or registered as a nurse under the laws of another state or foreign country, and who in the opinion of the board meets all the other requirements set forth in Section 2736.

SEC. 7. Section 2733.1 is added to said code, to read:

Temporary license

2733.1. (a) Upon the filing of a written application on the form prescribed by the board accompanied by the fee required

by this chapter the board may issue a temporary license to practice professional nursing for a period of four months from the date of issuance to a person who complies with all of the following:

(1) Submits proof satisfactory to the board that he is licensed or registered as a professional nurse under the laws of another state or foreign country.

(2) States within the application and proves to the satisfaction of the board that he is a citizen of the United States or that he has declared his intention to become a citizen of the United States. A statement by the applicant under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make such application shall be sufficient proof of compliance with this subdivision.

(b) Not more than one such temporary license may be issued to any person.

SEC. 8. Section 2736 of said code is amended to read:

Applicant's qualifications

2736. An applicant shall comply with each of the following:

(a) Be a citizen of the United States or have declared his intention to become a citizen of the United States. A statement by the applicant under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make such application shall be sufficient proof of compliance with this subdivision.

(b) Have successfully completed at least an approved high school course of study or the equivalent thereof as determined by the board, and such other preliminary requirements as the board may prescribe.

(c) Have successfully completed the prescribed course of study in an accredited school of 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 of the board for an accredited school in this State.

(d) Have committed no act, which, if committed by a licensee, would be a ground for disciplinary action.

SEC. 9. Section 2736.5 of said code is amended to read:

Same Out-of-state school

2736.5. An applicant for a license under this chapter who completes the prescribed course of study in a school of nursing located outside of this State, shall be deemed to have complied with the provisions of paragraph (c) of Section 2736 insofar as it applies to accredited schools, if the school of nursing in which the applicant successfully completed his prescribed course of instruction was a school which, in the opinion of the board, maintained and gave a course which was equivalent to the minimum requirements of the board for an accredited school in this State, at the time the applicant was a student in such school.

SEC. 10. Section 2738 of said code is amended to read:

Examinations Number, etc

2738. The board shall hold not less than two examinations each year at such times and places as the board may determine.

SEC. 11. Section 2741 of said code is amended to read:

Re-examinations

2741. An applicant who fails to pass the examination may take a second examination without payment of an additional fee

if not more than 12 months have elapsed since the first examination. Upon the failure of the applicant to pass the second examination he shall not be eligible for any subsequent examination except upon payment of an additional fee equal to the fee prescribed by this chapter for the filing of an original application.

SEC. 12. Section 2811 of said code is amended to read:

License renewal

2811. (a) Prior to January 1st of each year, each licensed nurse shall apply for a renewal of his license and shall pay a renewal fee of one dollar ($1), whereupon the board shall renew his license. Every license not renewed will expire on the first day of March of each year, but may thereafter be renewed upon the payment of a renewal fee of one dollar ($1) and such proof of the applicant's qualification to be licensed as may be required by the board. This subdivision shall apply to the renewal of licenses for the calendar year 1954. Thereafter all licenses shall be renewed in accordance with subdivisions (b) and (c) of this section.

(b) Prior to January 1, 1955, each licensee shall apply for a renewal of his license and pay a fee as follows:

(1) One-half of such licensees, as determined by the board, shall pay a fee of one dollar ($1) for the calendar year 1955 and for the portion of the calendar year 1956 through and including the month following the month in which the applicant's birthday occurs.

(2) One-half of such licensees, as determined by the board, shall pay a fee of two dollars ($2) for the calendar years 1955 and 1956 and for the portion of the calendar year 1957 through and including the month following the month in which the applicant's birthday occurs.

(3) Upon receiving the application and fee the board shall renew the license. Thereafter each licensee shall apply for a renewal of his license and pay the biennial renewal fee required by this chapter each two years on or before the last day of the month following the month in which his birthday occurs, whereupon the board shall renew his license.

(c) Each person who is issued a license on or after January 1, 1955, shall apply for a renewal of his license and pay the biennial renewal fee required by this chapter each two years on or before the last day of the month following the month in which his birthday occurs, beginning with the second birthday following the date on which the license was issued, whereupon the board shall renew the license.

(d) Each license not renewed in accordance with subdivisions (b) and (c) of this section shall expire but may thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board.

SEC. 13. Section 2815 of said code is amended to read:

License and renewal fees

2815. The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions is that fixed by the following schedule:

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

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

(c) The fee to be paid upon the filing of an application for a temporary license is two dollars ($2).

(d) The biennial fee to be paid upon the filing of an application for renewal is two dollars ($2).

(e) The penalty fee for failure to renew a license within the prescribed time is two dollars ($2).

No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

CHAPTER 1175

An act to amend Section 1013 of, and to add Section 1013.5 to, the Civil Code, relating to the removal of improvement from real property.

In effect September 9, 1953

[Approved by Governor June 15, 1953. Filed with Secretary of State June 17, 1953.]

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

SECTION 1. Section 1013 of the Civil Code is amended to read:

Ownership of real property improvements

1013. When a person affixes his property to the land of another, without an agreement permitting him to remove it, the thing affixed, except as otherwise provided in this chapter, belongs to the owner of the land, unless he chooses to require the former to remove it or the former elects to exercise the right of removal provided for in Section 1013.5 of this chapter.

SEC. 2. Section 1013.5 is added to said code, to read:

Removal of real property improvements

1013.5. (a) When any person, acting in good faith and erroneously believing because of a mistake either of law or fact that he has a right to do so, affixes improvements to the land of another, such person, or his successor in interest, shall have the right to remove such improvements upon payment, as their interests shall appear, to the owner of the land, and any other person having any interest therein who acquired such interest for value after the commencement of the work of improvement and in reliance thereon, of all their damages proximately resulting from the affixing and removal of such improvements.

Procedure

(b) In any action brought to enforce such right the owner of the land and encumbrancers of record shall be named as defendants, a notice of pendency of action shall be recorded before trial, and the owner of the land shall recover his costs of suit and a reasonable attorney's fee to be fixed by the court.

(c) If it appears to the court that the total amount of damages cannot readily be ascertained prior to the removal of the

improvements, or that it is otherwise in the interests of justice, the court may order an interlocutory judgment authorizing the removal of the improvements upon condition precedent that the plaintiff pay into court the estimated total damages, as found by the court or as stipulated.

(d) If the court finds that the holder of any lien upon the property acquired his lien in good faith and for value after the commencement of the work of improvement and in reliance thereon, or that as a result of the making or affixing of the improvements there is any lien against the property under Article XX, Section 15, of the Constitution of this State, judgment authorizing removal, final or interlocutory, shall not be given unless the holder of each such lien shall have consented to the removal of the improvements. Such consent shall be in writing and shall be filed with the court.

Construction

SEC. 3. Section 2 of this act creates a right to remove which may be exercised at the option of one who, acting in good faith and erroneously believing because of a mistake either of law or fact that he has a right to do so, affixes improvements to the land of another. It shall not be construed to affect or qualify the law as it exists prior to this enactment with regard to the circumstances under which a court of equity will refuse to compel removal of an encroachment.

CHAPTER 1176

An act to amend Section 421 of the Education Code, relating to salary of the superintendent of schools in counties of the twenty-first class.

[Approved by Governor June 15, 1953. Filed with Secretary of State June 17, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 421 of the Education Code is amended to read:

Santa Barbara County School superintendent's salary

421. The annual salary of the county superintendent of schools of a county of the twenty-first class is eight thousand one hundred dollars ($8,100), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

CHAPTER 1177

An act to amend Section 28121 of the Government Code, relating to salaries of officers in counties of the twenty-first class.

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

In effect September 9, 1953

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

SECTION 1. Section 28121 of the Government Code is amended to read:

Santa Barbara County Officers' salaries

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:

(a) The auditor, eight thousand four hundred dollars ($8,400) a year. He shall devote his full working time to the duties of his office.

(b) The district attorney, ten thousand five hundred dollars ($10,500) 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, five thousand one hundred dollars ($5,100) a year. If necessary official business requires any supervisor to travel beyond the boundaries of the county, he shall receive actual necessary 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. 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 1178

An act to amend Sections 74642, 74643 and 74644 of the Government Code, relating to the number and compensation of officers and attaches of a municipal court district embracing the City of Santa Barbara.

In effect September 9, 1953

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

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

SECTION 1. Section 74642 of the Government Code is amended to read:

Santa Barbara Municipal Court Clerk

74642. There shall be one clerk, one chief deputy clerk, and four deputy clerks, each of whom shall receive a salary in accordance with Section 74643.

SEC. 2. Section 74643 of said code is amended to read:

74643 The monthly salaries for the following positions shall be, and shall be increased in accordance with the schedule set forth below: Salaries

	A	B	C	D
Clerk of the municipal court	$350	$370	$390	$410
Chief clerk	305	320	335	350
Deputy clerks	230	240	250	260
Marshal of the municipal court	335	350	370	390
Deputy marshal	290	305	320	335
Marshal's clerk	230	240	250	260

A one-year service period shall be required for each step, other than the advance from Column C to D, in which case a two-year period shall be required. The salaries of the clerk of the municipal court and the marshal thereof, holding such positions on January 1, 1953, shall be set at Column C by reason of prior service in such capacities.

SEC. 3. Section 74644 of said code is amended to read:

74644. There shall be one marshal, one deputy marshal, and one marshal's clerk, each of whom shall receive a salary in accordance with Section 74643. Marshal

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CHAPTER 1179

An act to amend Section 702 of the Probate Code, relating to claims against decedents.

[Approved by Governor June 16, 1953. Filed with Secretary of State June 17, 1953.] In effect September 9, 1953

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

SECTION 1. Section 702 of the Probate Code is amended to read:

702. An affidavit showing due publication of the notice must be filed with the clerk within 30 days after the completion of the publication. The affidavit shall contain a copy of the notice and shall state the date of its first publication. Final distribution shall not be decreed unless it is shown that notice to creditors has been duly given. If the affidavit is not filed until after such 30-day period, the time to file or present claims shall be extended for a period equal to the period of default in such filing, but not to exceed six months from the date of such filing. Publication of notice affidavit

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CHAPTER 1180

An act to amend Section 405 of the Education Code, relating to the salaries of county superintendents of schools.

[Approved by Governor June 16, 1953. Filed with Secretary of State June 17, 1953.] In effect September 9, 1953

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

SECTION 1. Section 405 of the Education Code is amended to read:

Contra Costa County School superintendent's salary

405. The annual salary of the county superintendent of schools of a county of the fifth class is twelve thousand dollars ($12,000), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 1181

An act to add Section 31648.2 to the Government Code, relating to prior service credit and payment of contributions therefor by employees of county-wide flood control and water conservation districts.

In effect September 9, 1953

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

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

SECTION 1. Section 31648.2 is added to the Government Code, to read:

Flood control, etc., district employees' prior service credit

31648.2. Any employee of a county-wide flood control and water conservation district who was employed by such district immediately and without interruption prior to his inclusion as a member of an association established pursuant to this chapter, shall be credited with prior service for the entire period of such continuous employment preceding his inclusion as a member of such association if, prior to December 31, 1953, he contributes to the association an amount equal to the contributions he would have made if he had been a member of the association during the time such service was rendered, plus regular interest thereon.

CHAPTER 1182

An act to amend Section 1508 of the Welfare and Institutions Code, relating to the duty of a stepparent to support his stepchildren.

In effect September 9, 1953

[Approved by Governor June 15, 1953. Filed with Secretary of State June 17, 1953.]

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

SECTION 1. Section 1508 of the Welfare and Institutions Code is amended to read:

Step-paternal duty of support

1508. Where a needy child as defined in this chapter lives with his mother and stepfather, the amount of the grant made pursuant to Section 1511 of this code shall be computed after consideration is given to the income of the stepfather. The county granting aid shall determine if the stepfather is able to support the child either wholly or in part. Said determination shall be based upon a standard which takes into account the

stepfather's income and expenses under regulations set forth by the Department of Social Welfare.

Notwithstanding the provisions of Section 209 of the Civil Code a stepfather is bound to support, if able to do so, his wife's children if without support from such stepfather they would be needy children eligible for aid under this chapter. However, such liability for support shall not exceed the wife's community property interest in his income.

A natural father is not relieved of any legal obligation to support his children by the liability for their support imposed upon their stepfather by this section.

CHAPTER 1183

An act to amend Section 11826 of the Public Utilities Code, relating to municipal utility districts.

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

In effect September 9, 1953

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

SECTION 1. Section 11826 of the Public Utilities Code is amended to read:

11826. The nomination paper shall contain the name of the candidate, with such other information as may be required herein, and shall be signed either by 2 percent of the voters within the district or by 500 voters whichever is the lesser number but in no event by more than 650 voters within the district.

Nomination paper

CHAPTER 1184

An act to add Section 20862.5 to, to amend Sections 20865, 20866, 20867 and 20868 of, and to repeal Section 20861 of, the Business and Professions Code, relating to tank vehicles.

[Approved by Governor June 17, 1953. Filed with Secretary of State June 18, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 20862.5 is added to the Business and Professions Code, to read:

20862.5. In the event that a tank vehicle is equipped with a meter or meters for the purpose of measuring the quantity of motor oil withdrawn from the tank vehicle, no such meter shall be alternately used for the measurement of different grades, brands, or trade names of a motor oil for delivery at any place of business from which is being sold at retail any petroleum product mentioned in this chapter.

Tank vehicle meters

SEC. 2. Section 20865 of said code is amended to read:

20865. (a) In the event that the compartments of a tank vehicle are connected to a common outlet, no compartment so connected shall contain a product different than the product as contained in any other compartment unless adequate provision is made to avoid intermixture.

(b) In the event that a tank vehicle is equipped with a meter, or meters, for the purpose of measuring the quantity of fluid withdrawn from the tank vehicle, no such meter shall be alternately used for the measurement of different products.

This section does not prohibit transporting two or more grades of gasoline, or of other motor fuel, or of distillate, or of kerosene, or of burner oil, at any one time in all compartments whose contents are to be measured by the one meter.

In the application of this section to deliveries to the fuel tank of any aircraft, it is unlawful to handle gasolines specifically refined or manufactured for the operation of aircraft engines and gasolines not specifically refined or manufactured for the operation of aircraft engines through the same meter.

SEC. 3. Section 20866 of said code is amended to read:

Size of meters

20866. It is unlawful for any person to operate a tank vehicle equipped with a meter for the purpose of measuring the quantities of products of different grades, brands or trade names withdrawn from any one or more compartments:

(a) If the quantity contained within the meter and its accessory devices on the discharge side of the controlling or selecting mechanism is greater than four gallons where the meter discharge is designed for two-inch or smaller standard pipe size.

Where the quantity which is contained on the discharge side of the controlling or selecting mechanism is four gallons or less, it is unlawful to make a delivery of less than 50 gallons to any person who is engaged in the business of selling at retail gasoline or other motor fuel, unless, when such delivery of less than 50 gallons is made, such quantity of gasoline or other motor fuel other than which is to be delivered, as may remain from a previous delivery shall be cleared from the discharge side of the controlling or selecting mechanism.

(b) If the quantity contained within the meter and its accessory devices on the discharge side of the controlling or selecting mechanism is greater than eight gallons where the meter discharge is designed for a standard pipe size in excess of two inches and not greater than two and one-half inches.

Where the quantity which is contained on the discharge side of the controlling or selecting mechanism is more than four gallons and not greater than eight gallons, it is unlawful to make a delivery of less than 100 gallons to any person who is engaged in the business of selling at retail gasoline or other motor fuel, unless, when such delivery of less than 100 gallons is made, such quantity of gasoline or other motor fuel other than which is to be delivered, as may remain from a previous delivery shall be cleared from the discharge side of the controlling or selecting mechanism.

(c) If the quantity contained within the meter and its accessory devices on the discharge side of the controlling or selecting mechanism is greater than 12 gallons where the meter discharge is designed for a standard pipe size in excess of two and one-half inches and less than four inches.

Where the quantity which is contained on the discharge side of the controlling or selecting mechanism is more than eight gallons and not greater than 12 gallons, it is unlawful to make a delivery of less than 150 gallons to any person who is engaged in the business of selling at retail gasoline or other motor fuel, unless, when such delivery of less than 150 gallons is made, such quantity of gasoline or other motor fuel other than which is to be delivered, as may remain from a previous delivery shall be cleared from the discharge side of the controlling or selecting mechanism.

(d) If the quantity contained within the meter and its accessory devices on the discharge side of the controlling or selecting mechanism is greater than 16 gallons where the meter discharge is designed for a standard pipe size of four inches or more.

Where the quantity which is contained on the discharge side of the controlling or selecting mechanism is more than 12 gallons, it is unlawful to make a delivery of less than 200 gallons to any person who is engaged in the business of selling at retail gasoline or other motor fuel, unless, when such delivery of less than 200 gallons is made, such quantity of gasoline or other motor fuel other than which is to be delivered, as may remain from a previous delivery shall be cleared from the discharge side of the controlling or selecting mechanism.

SEC. 4. Section 20867 of said code is amended to read:

Pump and hose

20867. If a tank vehicle is equipped to make deliveries through the medium of pump and hose in connection with a meter for the purpose of measuring the quantities of different grades, brands or trade names of a product from any one or two or more compartments, there shall be no limitation on the quantity of the grade, brand or trade name of the product which may be contained within the pumps, meter, accessory devices and hose on the discharge side of the controlling or selecting mechanism except that the pump and hose shall be cleared of such quantity of the grade, brand or trade name other than that which is to be delivered as may remain on the discharge side of the controlling or selecting mechanism from a former delivery. The grade, brand or trade name of the product thus cleared may be returned to its appropriate compartment by means of the pump.

SEC. 5. Section 20868 of said code is amended to read:

Quantity in meters

20868. If a single meter with its accessory devices, and without a controlling or selecting mechanism, is used for the purpose of measuring the contents of one compartment only, or of two or more compartments, it is required that if such volume of liquid as may be retained in the meter and its accessory devices on the discharge side of the controlling or selecting mechanism shall exceed four gallons where the meter is designed

for a two-inch or smaller standard pipe size, or eight gallons where the meter is designed for a standard pipe size in excess of two inches and not greater than two and one-half inches, or 12 gallons where the meter is designed for a standard pipe size in excess of two and one-half inches and less than four inches, or 16 gallons where the meter is designed for a standard pipe size of four inches or larger, the quantity so remaining shall be replaced whenever a change is made in the grade, brand or trade name of a product which is carried in such compartment or compartments.

Repeal

SEC. 6. Section 20861 of said code is hereby repealed.

CHAPTER 1185

An act conveying certain lands to the City of National City and reserving to the State of California navigation, commerce, fishing and mineral rights and other rights.

In effect September 9, 1953

[Approved by Governor June 17, 1953. Filed with Secretary of State June 18, 1953.]

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

Conveyance to National City.

SECTION 1. There is hereby granted and conveyed to the City of National City all the lands described as follows: Beginning at Bulkhead Station No. 238 as shown on U. S. Army Engineers Map of Harbor Lines, San Diego Bay, California, File No. 424, Sheet 2 of 2 dated May 1952 and bearing the certification of the Secretary of the Army, Mr. Frank Pace Jr., dated July 30, 1952; thence S. 8° 02′ 19″ E. along the bulkhead line a distance of 1626.59 feet, to the true point of beginning; thence S. 81° 57′ 41″ W. a distance of 1,000.00 feet to a point on the "Pierhead Line" as shown on said map File No. 424; thence S. 8° 02′ 19″ E. along said "Pierhead Line" a distance of 1697.98 feet; thence N. 81° 57′ 41″ E. a distance of 1,000.00 feet to a point on the bulkhead line; thence N. 8° 02′ 19″ W. along said "Bulkhead Line" a distance of 1697.98 feet to the true point of beginning.

Condition

The grant and conveyance is made upon the following express conditions, to wit:

(a) That said lands shall always remain available for public use for all purposes of commerce and navigation.

(b) There is hereby reserved in the people of the State of California the absolute right to fish in the waters on said lands with the right of convenient access to said waters over said lands for said purposes.

(c) 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 person authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(d) 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.

Right to improve

SEC. 2. The City of National City 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.

Right of reversion

SEC. 3. No grant, conveyance or transfer of any character shall ever be made by the City of National City 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 National City 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.

Right to lease

SEC. 4. The City of National City 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 National City, 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.

Limitation

SEC. 5. The City of National City, 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 the Trustees of the City of National City 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 lease premises or any part thereof without such consent.

CHAPTER 1186

An act to amend Sections 20017.5, 20025, 20038, 20060, 20130.2, 20165, 20230, 20307, 20360, 20361, 20390, 20393, 20523, 20527, 20609, 20653, 20656, 20680, 20681, 20682, 20683, 20804.5, 20894.5, 20931, 20932, 21021, 21025, 21205, 21250, 21251.15, 21261, 21296, 21298, 21331, 21335, 21364, and 21365 of the Government Code, to repeal Section 20631 thereof, and to add Sections 20010.5, 20024.01, 20134, 20166, 20302.5, 20339, 20651.5, 20810.5, 20811, 20812, 20860.5, 20894.7, 21102.5, 21202.5, 21261.5, 21294.2, 21294.4, and 21364.5 thereto, relating to the State Employees' Retirement System.

In effect September 9, 1953

[Approved by Governor June 17, 1953. Filed with Secretary of State June 18, 1953.]

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

SECTION 1. Section 20010.5 is added to the Government Code, to read:

"Month"

20010.5. Except as otherwise expressly provided, "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 20017.5 of said code is amended to read:

"Warden member"

20017.5. "Warden member," includes persons employed in the Department of Fish and Game in connection with its warden service, whose principal duties consist of active law enforcement service, including immediate supervision by persons employed to perform the duties now performed under the titles of chief and assistant chief of warden service, and captain of patrol boats, except those whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, assistant fish and game warden, or otherwise clearly do not fall within the scope of active law enforcement service, even though such a person is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement.

SEC. 2.5. Section 20024.01 is added to said code, to read:

Disability retirement allowance

20024.01. In the computation of the disability retirement allowance payable upon the retirement of a member for industrial disability, final compensation shall be determined only with respect to compensation earnable in the membership category applicable to the member at the time of the injury or the onset of the disease causing the disability.

SEC. 3. Section 20025 of said code is amended to read:

Amended contract with board. Computation of benefit

20025. For a local member who is, or a retired person who was, an employee of a contracting agency which has amended or shall amend its contract with the board to subject itself to the provisions of this section, and for no other member, there shall be excluded from the compensation used in any computation, to determine the portion of any benefit based on current

service rendered to the contracting agency prior to the effective date of such amendment, any compensation in excess of four hundred sixteen dollars and sixty-six cents ($416.66) per month, unless such member shall elect, not later than 60 days after the date upon which notice of the right of election is mailed by this system to either the member's latest address on file in the office of this system or to the office, department, or contracting agency by which the member is or last was employed, by written notice filed in the office of the board, to pay into the Retirement Fund, by lump sum payments or at times, in amounts, and in a manner fixed by the board, and thereafter pays into the Retirement Fund, (1) such additional amount as he would have contributed as a part of his normal contributions as an employee of such contracting agency, assuming the entire compensation earned by him was subject to normal contributions; and (2) an amount equal to the additional interest which would have been credited to his account under such assumption; and (3) in the case of any member electing to make payment in other than a lump sum, interest on the balance of the amount payable into the Retirement Fund, pursuant to such election, at the rate of interest currently being used from time to time under this system. 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 this part to determine the portion of any benefit based on current service rendered on and after the effective date of such amendment to the contract If a member makes the election and payment as provided in this section, his entire compensation shall be included in any computation to be made under this part for the entire period of his current service rendered as an employee of such contracting agency and with which he is entitled to be credited at retirement.

A local member's entire compensation shall be included in any computation to be made under this part for the period of his current service with which he is entitled to be credited and which was rendered as an employee of a contracting agency whose contract by express provision on its effective date made the contracting agency subject to the provisions of this section.

Exceptions

This section shall not apply to any state member; nor shall it apply to any contracting agency nor to its employees 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 unless an express provision included in the contract on its effective date, made the contracting agency subject to the provisions of this section.

SEC. 4. Section 20038 of said code is amended to read:

"Industrial"

20038. "Industrial" in reference to the death or disability of any member of this system who is in a membership category

under which special benefits are provided by this part because the death or disability is industrial, except a law enforcement member, means disability or death as a result of injury or disease arising out of and in the course of his employment as such a member.

SEC. 4.5. Section 20060 of said code is amended to read:

State employment after retirement

20060. Except as provided in Section 21300 a person shall not be paid for any service rendered by him, other than as a juror or election officer, to the State or a contracting agency after his retirement is effective and while he is entitled to receive a retirement allowance under this system.

SEC. 5. Section 20130.2 of said code is amended to read:

Transfer of accumulated contributions, etc.

20130.2. Upon the basis of such investigation, valuation and determination, the board shall transfer to or from, as the case may be, either or both the accumulated investment income in excess of interest credited to contributions and the accumulated contributions of the State or contracting agencies, as the case may be, held for the benefit of members on account of current service, amounts necessary to bring the amounts available, in the accounts the board is required to keep, to meet the obligation of the State and the contracting agencies, respectively, on account of benefits that have been granted, including the annuity portion of such benefits, to or on account of retired or deceased members, to the basis of the mortality tables and interest rate adopted by the board.

SEC. 6. Section 20134 is added to said code, to read:

Confidential data

20134. Data filed by any member or beneficiary with the board is confidential, and no individual record shall be divulged by any official or employee having access to it to any person other than the member to whom the information relates or his authorized representative, the contracting agency by which he is employed, any state department or agency, or the University. Such information shall be used by the board for the sole purpose of carrying into effect the provisions of this part.

SEC. 6.5. Section 20165 of said code is amended to read:

Adjustment for errors

20165. If more or less than the correct amount of contribution required of members, the State, or any contracting agency, is paid, proper adjustment shall be made in connection with subsequent payments, or such adjustments may be made by direct cash payments between the member, State, or contracting agency concerned and the board. Adjustments to correct any other errors in payments to or by the board, including adjustments of contributions, with interest, which are found to be erroneous as the result of corrections of dates of birth, may be made in the same manner. Losses or gains resulting from error in amounts within the limits set by the State Board of Control for automatic write-off, and losses or gains in greater amounts specifically approved for write-off by the State Board of Control, shall be debited or credited, as the case may be, to the reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies.

SEC. 7. Section 20230 of said code is amended to read:

20230. In addition to other records and accounts, the board shall keep such records and accounts as may be necessary to show at any time: Records and accounts

(a) The total accumulated contributions of members.

(b) The total accumulated contributions of retired members and of deceased members, to or on account of whom payments involving life contingencies are paid, less the annuity payments made to such members.

(c) The accumulated contributions of the State and of contracting agencies held for the benefit of members on account of current service.

(d) All other accumulated contributions of the State and of contracting agencies, which shall include the amounts available to meet the obligation of the State and of the contracting agencies, respectively, on account of benefits that have been granted to or on account of retired and deceased employees and on account of prior service of members.

SEC. 8. Section 20302.5 is added to said code, to read:

20302.5. An employee of a contracting agency who has been employed by the contracting agency for at least six months, uninterrupted by a break of more than one month, immediately preceding the effective date of the contract between the contracting agency and the board, becomes a member on the effective date of the contract. Date of membership

SEC. 8.5. Section 20307 of said code is amended to read:

20307. When any person who is an employee of the State within the meaning of Section 20012 is assigned to the performance of work for which his compensation is paid, pursuant to statute or duly authorized contract entered into by the State or the state agency by which the person is employed, out of funds not directly controlled by the State, such person shall continue to be an "employee" of the State for the purposes of this part during the time he is assigned to the performance of such work, and the service rendered by him during such assignment shall be "state service," notwithstanding the provisions of Sections 20012 and 20801 relating to payment of compensation. Temporary nonstate employment

This section shall apply to service rendered prior to its effective date by any member who, within 90 days after notice of his right to do so is mailed by this system to the state office or department, or the contracting agency, by which he is currently employed, or to the member's latest address on file in the office of this system, notifies the Retirement Board that he elects to be credited with service so rendered, and who makes contributions in respect to all such service not constituting prior service as provided in Section 20681.5. This section shall also apply to the status of every such person while rendering such service prior to its effective date.

SEC. 9. Section 20339 is added to said code, to read:

20339. A person serving the university or any state college as a teacher in any summer session or intersession, for which he receives compensation specifically attributable to such service Summer, etc., session teacher

in summer session or intersession, is excluded from this system with respect to such service.

SEC. 10. Section 20360 of said code is amended to read:

Governor's appointee

20360. A person directly appointed by the Governor, without the nomination of any officer or board, is excluded from membership in this system unless he files with the board an election in writing to become a member. He may so elect at any time, and has the option of making contributions to this system in the amount which he would have contributed had he not been so excluded, plus an amount equal to the interest, to the date or dates of his payment, which would have been credited to those contributions had he not been so excluded. Such contributions and interest shall be paid to this system at times, in amounts, and in a manner fixed by the board. If he affirmatively exercises the option:

(a) He shall receive credit for prior service in the same manner as if he had not been excluded, and

(b) The contributions of the State, or contracting agency because of his membership, shall be the same as they would have been had he not been excluded, and

(c) His rate of contribution shall be based on the nearest age at the time he first was excluded.

SEC. 11. Section 20361 of said code is amended to read:

Elective officer

20361. An elective officer is excluded from membership in this system unless he files with the board an election in writing to become a member. He may so elect at any time, and has the option of making contributions to this system in the amount which he would have contributed had he not been so excluded, plus an amount equal to the interest, to the date or dates of his payment, which would have been credited to those contributions had he not been so excluded. Such contributions and interest shall be paid to this system at times, in amounts, and in a manner fixed by the board. If he affirmatively exercises the option:

(a) He shall receive credit for prior service in the same manner as if he had not been excluded, and

(b) The contributions of the State, or the contracting agency because of his membership, shall be the same as they would have been had he not been excluded, and

(c) His rate of contribution shall be based on the nearest age at the time he first was excluded.

As used in this part, "elective officer" includes any officer of the Senate or Assembly who is elected by vote of the members of either or both of such houses of the Legislature, as well as officers of the State or contracting agencies elected by the people.

SEC. 12. Section 20390 of said code is amended to read:

Cessation of membership

20390. A person ceases to be a member:

(a) Upon retirement.

(b) If he is credited with less than 20 years of state service, or with five hundred dollars ($500) or less in accumulated contributions, or with a greater amount and has not elected to allow it to remain in the Retirement Fund, and renders less than five years of service in any period of 10 consecutive years.

(c) If he is paid his normal contributions. For the purposes of this subdivision, deposit in the United States mail of a warrant drawn in favor of a member, addressed to the latest address of the member on file in the office of this system, constitutes payment to the member of the amount for which the warrant is drawn.

SEC. 13. Section 20393 of said code is amended to read:

Resignation, etc. Election re accumulated contributions

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 by the member at any time except while he is employed in state service in a position in which he is not excluded from membership in this system with respect to such service, 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, which shall be the lowest age applicable to any membership category in which he has credited service, 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. 13.3. Section 20523 of said code is amended to read:

Crediting accounts

20523. Such shares shall be credited to the respective individual accounts of the members included in this system, and administered as if made during membership in this system, except that the annuity provided by such contributions with accumulated interest shall be deducted first from the pension which otherwise would be payable on account of prior service and the balance of such contributions with accumulated interest shall be deducted from the pension which otherwise would be payable on account of current service. The total of the funds transferred to this system shall be offset against the prior or current service liability, as the case may be, before determining the contribution to be paid by the contracting agency. A former member of the local retirement system who withdrew his contributions prior to the effective date of the contract and who thereafter enters into membership in this system and receives credit under this system for the service on account of which such contributions were made shall, upon becoming a member of this system and at times, in amounts, and in the manner fixed by the board, redeposit the withdrawn contributions, plus interest included in the withdrawal and interest from the date of withdrawal to date of payment, and any sum so redeposited plus such interest shall be administered as provided in this section for such shares.

SEC. 13.4. Section 20527 of said code is amended to read:

Adjustment of contribution

20527. This actual contribution is subject to such adjustment by the board as may be necessary on account of any additional prior service credits which the contracting agency may desire to provide for its employees in this system or on account of experience under this system as determined by periodical investigation, valuation and determination required to be made by the board, including adjustments determined as necessary by the board, even after the total contributions determined, plus subsequent adjustments, if any, have been completely paid.

SEC. 13.6. Section 20609 of said code is amended to read:

Change of employment status

20609. When the employment status of a member changes so that he comes within or leaves a membership category, or when a member changes employer but remains in the same membership category, in which the percentage per year of final compensation, for each year of service, to be used in determining his service retirement allowance, varies with age at entry into the category, his normal rate of contribution thereafter shall be that applicable to his membership category after the change, at his then attained age.

His accumulated contributions remain in or if redeposited shall be credited to his individual account.

Repeal

SEC. 14. Section 20631 of said code is repealed.

SEC. 15. Section 20651.5 is added to said code, to read:

20651 5. If any such member whose accumulated contributions were repaid to him while he was absent on military service re-enters state service in a status subject to the retiring annuities system of the university, he shall have the option, to be exercised upon such re-entry, to redeposit the accumulated contributions which were repaid to him, with interest to the date of redeposit, in the same manner as if he had re-entered state service in a status not subject to the retiring annuities system. If any such member makes such redeposit, his status in this system is the same as if his accumulated contributions had not been repaid to him. Absence on military service

SEC. 16. Section 20653 of said code is amended to read:

20653. The board may withhold the accumulated normal contributions of a member for not more than one year after he last rendered state service if after a previous discontinuance of state service he withdrew all or a part of his accumulated normal contributions and failed to redeposit such withdrawn amount in the Retirement Fund. Withholding of contributions

SEC. 16.1. Section 20656 of said code is amended to read:

20656. Upon re-entering this system after a termination of his membership, if a member does not elect within 30 days after the date upon which notice of the right to redeposit is mailed by this system to the office, department, or contracting agency by which the member is currently employed or to the member's latest address on file in the office of this system, to make or, having so elected, subsequently does not make such redeposit, he re-enters as a new member without credit for any service except the prior service credited to him before termination and for which he had made no contributions, and his normal rate of contribution for future years is that for his age at re-entrance Election upon re-entry

SEC. 16.2. Section 20680 of said code is amended to read:

20680. The board shall furnish, in a manner determined by it, to the head of each state agency and court and to the comptroller of the university the normal rate of contribution for, and the amount of any other contributions payable by, each member employed therein. Such head, comptroller, or the State Controller, as the case may be, shall apply such rate of contribution to the compensation of each such member. Furnishing of rates by board

SEC. 16.3. Section 20681 of said code is amended to read:

20681. Each such head of a state agency for which the member's compensation is paid directly by the State Controller shall furnish to the Controller the normal rate of contribution for, and the amount of any other contributions payable by, each member employed therein. The Controller shall deduct from the compensation of each such member and remit to the board the contributions so determined and the other contributions payable, and furnish to the board a statement of contributions so deducted, with respect to each member, together with such other information as the board may require. Duties of agency head

Each such head of a state agency which directly pays the member's compensation shall deduct from the compensation of each such member and remit to the board the contributions

so determined and the other contributions payable, and furnish to the board a statement of contributions so deducted, with respect to each member, together with such other information as the board may require.

SEC. 16.4. Section 20682 of said code is amended to read:

Deduction by university

20682. The comptroller of the university shall deduct from the compensation of each university member and remit to the board the contributions so determined and the other contributions payable, and furnished to the board a statement of such contributions so deducted, with respect to each member, together with such other information as the board may require.

SEC. 16.5. Section 20683 of said code is amended to read:

Furnishing of rates to contracting agency

20683. The board shall furnish, in a manner determined by it, to the clerk or other officer designated by the governing body, of each contracting agency the normal rate of contribution for, and the amount of any other contributions payable by, each local member employed therein. Such officer shall apply such rate of contribution to the compensation of each such local member and deduct from such compensation and remit to the board the contributions so determined and the other contributions payable, and furnish to the board a statement of such contributions so deducted, with respect to each member, together with such other information as the board may require.

SEC. 16.6. Section 20810.5 is added to said code, to read:

Credit for other employment

20810.5. Whenever a contracting agency assumes or has assumed, any functions formerly performed by a public agency other than a contracting agency, and the employees who have performed such functions are, or were, transferred to or employed by such contracting agency without change in occupation or position, any such employee shall receive credit, as state service, under the contract of such contracting agency for the time during which he was employed by the public agency previously performing the function, in the same manner and to the same extent as if he had been employed by such contracting agency during such time, if he does not receive credit for such time in any other publicly supported retirement system, and if he elects within 90 days after notice of his right to elect, is mailed by this system, to the office, department, or contracting agency by which he is currently employed, or to his latest address on file in the office of this system, to pay to this system in amounts, at times, and in the manner prescribed by the board, and thereafter pays in accordance with such election, (1) any contributions which he would have paid to this system had he been an employee of such contracting public agency during such time, and (2) an amount equal to the interest which would have been credited to the date or dates of payment, to such contributions, had he been such an employee.

SEC. 16.7. Section 20811 is added to said code, to read:

Same Court service

20811. Any officer or attache of a court superseded by a justice court or a municipal court under the Municipal and Justice Court Act of 1949, who is or has been transferred to a justice court or a municipal court pursuant to that act, in a

county which is or becomes a contracting agency, shall receive credit, as state service, under the contract of such contracting agency for the time during which he was employed by the court from which he was transferred, in the same manner and to the same extent as if he had been employed by such contracting agency during such time, if he does not receive credit for such time in any other publicly supported retirement system, and if he elects within 90 days after notice of his right to elect, is mailed by this system, to the office, department, or contracting agency by which he is currently employed, or to his latest address on file in the office of this system, to pay to this system in amounts, at times, and in the manner prescribed by the board, and thereafter pays in accordance with such election, (1) any contributions which he would have paid to this system had he been an employee of such contracting public agency during such time, and (2) an amount equal to the interest which would have been credited to the date or dates of payment, to such contributions, had he been such an employee

SEC. 16.8. Section 20812 is added to said code, to read:

Same Adjustments, etc

20812. All contributions made pursuant to Sections 20810 and 20811 shall be considered to be, and shall be administered as, normal contributions by the member, and his normal rate of contribution and his normal accumulated contributions shall be adjusted to what they would have been if his membership in this system had been effective at the beginning of the time for which the contributions are made pursuant to such sections. The state service credited pursuant to such sections shall be credited as current service or prior service, or both, as it would be credited if the member had been an employee of the contracting agency throughout the service so credited.

SEC. 17. Section 20804.5 of said code is amended to read:

Current service credit

20804.5. Any member shall receive current service credit for the six months or part thereof which was spent by him in the employment of the State or contracting agency prior to becoming a member of this system and after persons employed in his status were eligible for membership in this system if, at any time prior to retirement, he elects to pay, and pays, into the retirement fund, by lump sum payment or by installments over not to exceed 36 months, normal contributions for the period of six months or part thereof, computed by applying the rate of contribution applicable to him at the time he first became a member of this system to the compensation earnable by him at that time, together with interest on such contributions or on the unpaid balance if such contributions are paid by installments, from October 1, 1953, or from the date on which he first became a member of this system, whichever is later, until paid.

This section shall not apply to the employees of any contracting agency nor to any such agency unless and until the contracting agency elects to be subject to its provisions by amendment to its contract with the board, made as provided in Section 20461.5, or by express provision in its contract with the board.

SEC. 18. Section 20860.5 is added to said code, to read:

Excused absence

20860.5. Time during which a member is excused from performance of his duties, whether or not he is required to perform any portion of such duties during such time, and for which he receives compensation in an amount less than the full compensation earnable by him while performing his duties when not so excused, such as sabbatical leave, shall be credited as service in the proportion that the compensation paid to the member bears to the full compensation which would be earnable by him while performing his duties on a full-time basis.

SEC. 19. Section 20894.5 of said code is amended to read:

Contributions for members in military service

20894.5. Notwithstanding other provisions of this article to the contrary, the employer shall contribute for each member of this system who is absent on military service without compensation, whose death occurs during such absence or who returns to state service within six months after discharge under conditions other than dishonorable or within six months after any period of rehabilitation afforded by the United States Government other than a period of rehabilitation for purely educational purposes, amounts equal to the contributions which would have been made by the employee and the employer to the system on the basis of his compensation earnable at the commencement of his absence plus the annual salary adjustments which he would have received, if he had not been so absent. For the purpose of this section, the member absent on military service shall be deemed to have received a service rating for the period of such absence entitling him to annual salary adjustments For the purposes of this section, a member who is or was granted a leave of absence or placed on a state civil service re-employment list as of the same date he was reinstated from military leave shall be considered as having returned to state service within said six months, if he returns to state service at the end of such leave of absence or upon offer of employment from the re-employment list, or if he retires under this system for service or disability during such leave. Retirements, heretofore effective, of members during such leaves, and the contribution by the employer of said amounts with respect to said members, are hereby validated and confirmed.

Any such member who exercises or did exercise the right to contribute to the system during the period of military service shall have such contributions refunded or credited to his account as additional contributions under Section 20630.

Any such member who withdraws or has withdrawn his accumulated contributions during his military service and who does not or did not redeposit the amount withdrawn upon his return to state service is entitled to be credited with the employer's contribution provided for in this section, and to receive credit for service during the period he was absent on military service, the same as if he had not withdrawn his accumulated contributions, and his rate for future contributions shall be based upon his age at the commencement of his absence on military service.

The contributions required of the employer pursuant to this section may be made in one sum, or in the manner in which other contributions are made. Contributions pursuant to this section shall be available only for the purpose of benefits payable in event of death or retirement for service or for disability, and shall be made available only for the purpose of benefits payable in event of death or retirement, and an employee resigning from state service after reinstatement from military service shall be entitled to withdraw under Sections 20652 and 20653 only that portion of his accumulated contributions personally made by him.

This section does not apply to persons absent from state service by reason of service with the Merchant Marine of the United States, or on ships operated by or for the United States Government, or with the Federal Bureau of Investigation, anything to the contrary in Section 20890 notwithstanding. Contributions by the employer pursuant to this section shall not be made for any period of time after December 31, 1949, for any member whose absence on military service began prior to January 1, 1950, and who had not returned to state service prior to January 1, 1950.

This section shall not apply to any contracting agency or 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.

A contracting agency which elects to be subject to the provisions of this section may, by the amendment to or provision in its contract making such election, provide that the provisions of this section shall apply only to its employees who enter or have entered military service after a date designated in such amendment or such provision.

SEC. 20. Section 20894.7 is added to said code, to read:

Same
Re-entry without redepositing contributions

20894.7. If a member for whose absence on military service employer's contributions are paid or payable under Section 20894.5 withdraws or has withdrawn or is or has been paid his accumulated contributions after his return to state service from military service, and thereafter re-enters or re-entered state service without redepositing the amount of the accumulated contributions last withdrawn by or repaid to him, he is nevertheless entitled to be credited with the employer's contributions for his absence on military service under Section 20894.5, and to receive credit for service for the period of his absence on military service, the same as if he had not withdrawn or been repaid his accumulated contributions. The future contribution rate of such a member shall be based upon an age determined by deducting the period of his absence on military service so credited

to him from his age at the time of his last re-entry into state service.

SEC. 21. Section 20931 of said code is amended to read:

Credit for local service

20931. Any state member of this system who was in local service before entering state service has the right to elect, by written election filed with the board within one year after the effective date of this article or within one year after becoming a member of this system, whichever is later, to make contributions pursuant to Section 20932 for, and to receive credit in this system as state service for, all or any part of the time he was in local service. However, a member shall not receive credit as state service for any portion of his local service constituting prior service unless he has elected to make, and has made, contributions pursuant to Section 20932 for all of his local service constituting current service.

SEC. 22. Section 20932 of said code is amended to read:

Same Contributions

20932. Any state member of this system who elects pursuant to Section 20931 to make contributions and receive credit as state service for all or any part of the time he was in local service shall contribute to the retirement fund, prior to the effective date of his retirement, by lump sum payment or by installment payments over a period not in excess of the length of time for which the member has elected to receive credit for local service as state service, at times and in a manner fixed by the board, an amount equal to the sum of (1) the contributions he would have made to the retirement fund if he had been in state service during the time he was in local service and for which he has elected to receive credit for state service, computed by applying the rate of contribution first applicable to him upon commencement of his membership in this system to the monthly compensation first earnable by him at the time of commencement of his membership multiplied by the number of months of local service for which he has elected to receive credit for state service and which will constitute current service under this system, (2) the contributions that would have been made by the State in respect to him if he had been in state service during the time he was in local service and for which he has elected to receive credit for state service, excluding any such contributions with respect to prior service, computed by applying the rate of state contribution with respect to members of his category at the time of commencement of his membership in this system to the monthly compensation first earnable by him at said time of commencement of his membership in this system multiplied by the number of months of local service for which he has elected to receive credit for state service and which will constitute current service under this system, and (3) the interest which would have accrued to such member contributions and such state contributions if they had been made on the date of commencement of membership of the member in this system, from that date until the completion of payment of those contributions, computed at the current interest rate.

At the time of his retirement a member shall not receive credit as state service for any local service in excess of that for which he has completed payment of contributions as provided in this section. Any member who has elected to make such contributions by installment payments may, at any time prior to the effective date of his retirement, complete payment of such contributions by lump sum payment. All contributions made pursuant to this section shall be considered to be, and shall be administered as, normal contributions by the member.

SEC. 23. Section 21021 of said code is amended to read:

Retirement for disability

21021. Any member incapacitated for the performance of duty shall be retired for disability pursuant to this chapter if the amount of his accumulated normal contributions standing to his credit exceeds five hundred dollars ($500) or if he is entitled to be credited with 10 years of state service, regardless of age.

SEC. 24. Section 21025 of said code is amended to read:

Determination of board

21025. If the medical examination and other available information show to the satisfaction of the board, that the member is incapacitated physically or mentally for the performance of his duties in the state service and is eligible to retire for disability, the board shall forthwith retire him for disability, unless the member is qualified to be retired for service and applies therefor prior to the effective date of his retirement for disability or within 30 days thereafter, in which event the board shall retire the member for service.

SEC. 24.5. Section 21102.5 is added to said code, to read:

Reinstatement from retirement

21102.5. Notwithstanding the provisions of Section 21101, a person who has been retired under this part, and who is elected or appointed to an elective office which is requisite to membership in this system, is automatically reinstated from retirement, effective at the beginning of his term of office. Any such person shall notify the retirement board forthwith of his election or appointment to elective office, and unless he elects to become a member of this system with respect to his future service in such elective office, shall be deemed to have discontinued his state service as of the date of such automatic reinstatement, with the right of election to leave his contributions in the Retirement Fund pursuant to Section 20393 or to be paid his accumulated contributions pursuant to Section 20652.

SEC. 24.7. Section 21202.5 is added to said code, to read:

Disability Eligibility, allowance, etc

21202.5. For the purposes of determining eligibility for disability retirement, calculating disability retirement allowances, and determining and calculating death benefits any member who, while in a membership category under which special benefits are provided by this part because a disability or death is industrial, suffers an injury or incurs a disease subsequently determined to have been industrial, and thereafter, while in a membership category under which special benefits are not so payable, is retired for disability resulting from the industrial injury or disease previously suffered or incurred or dies as a result thereof, shall be deemed to be, at the time of such dis-

ability retirement or death, in the membership category in which he was at the time he suffered the injury or incurred the disease.

SEC. 25. Section 21205 of said code is amended to read:

Change of beneficiary

21205. The designation of a beneficiary under this system, other than designations under optional settlements two and three and, if a benefit involving the life contingency of the beneficiary is provided, optional settlement four, may be revoked at the pleasure of the person who made it and a different beneficiary designated by a writing filed with the board.

SEC. 26. Section 21250 of said code is amended to read:

Service retirement allowance

21250. Upon retirement for service, a member is entitled to receive a service retirement allowance which shall consist of:

(a) His service retirement annuity, including, with respect to patrol members and solely in respect to the portion of said annuity derived from the normal accumulated contributions of such members, respectively, automatic continuance to surviving wife, or if there is no eligible wife at retirement, to surviving children, or if there are no eligible surviving children at retirement, to surviving dependent parents as provided in this article.

(b) His current service pension.

(c) His prior service pension.

SEC. 26.1. Section 21251.15 of said code is amended to read:

Current service pension

21251.15. For a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of Section 21251.1, and for a state miscellaneous member, reinstated from service retirement, the current service pension upon his service retirement subsequent to such reinstatement, shall be the sum of (1) a current service pension calculated on the basis of service rendered after such reinstatement and in accordance with Section 21251.1, plus (2) his current service pension as it was prior to his reinstatement, adjusted according to any change in the provisions governing the calculation of such pensions, made after such reinstatement and applicable to pensions being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his reinstatement at least one year of state service credited under this system; or if he has rendered one year or more of state service after reinstatement, in lieu of (2), plus (3) a current service pension based on current service rendered prior to such reinstatement, but calculated under Section 21251.1, on the basis of an age, taken to the preceding completed quarter year but not less than 55 years, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement. For such a member reinstated from nonindustrial disability retirement, the current service pension upon his service retirement after attaining age 59, or upon his disability retirement after attaining age 60, and subsequent to such reinstatement, shall be calculated in the manners described in the preceding sentence, but the age determined upon subsequent retirement after rendering at least one year of state service, shall not be taken at less than 59 years if the

subsequent retirement is for service, or 60 years if such retirement is for disability.

SEC. 26.2. Section 21261 of said code is amended to read:

21261. The prior service pension of any member reinstated from service retirement, upon his subsequent service retirement, shall be in the same amount as his prior service pension prior to his reinstatement, adjusted according to any change in the provisions governing the calculation of such pensions, made after such reinstatement and applicable to pensions being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his reinstatement at least one year of state service credited under this system; otherwise the prior service pension calculated on the basis of an age, taken to the preceding completed quarter year but not less than 55 years, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement. For such a member reinstated from nonindustrial disability retirement, the prior service pension upon his service retirement after attaining age 59, or upon his disability retirement after attaining age 60, and subsequent to such reinstatement, shall be calculated in the manners described in the preceding sentence, but the age determined upon subsequent retirement after rendering at least one year of state service, shall not be taken at less than 59 years if the subsequent retirement is for service, or 60 years if such retirement is for disability.

Prior service pension on retirement after reinstatement

SEC. 26.3. Section 21261.5 is added to said code, to read:

21261.5. Every current and prior service pension payable for time commencing on the effective date of this section, is hereby increased to the amount it would be if the provisions of Sections 21251.15 and 21261 as they exist on said effective date, had been in effect on the date of the retirement of the member. This section does not authorize any decrease in any pension, or does this section give any retired member, or his successors in interest, any claim against the State for any increase in any such pension paid or payable for time prior to its effective date. Calculations under this section shall be made on the basis of current interest rate and mortality tables

Effective date of increase

This section shall not apply to any contracting agency nor to the employees of any contracting agency who have retired under this system prior to the effective date of this section, unless and until the agency elects to be subject to the provisions of this section, with respect to such employees, by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required.

Limitation

SEC. 26.4. Section 21294.2 is added to said code, to read:

21294.2. If a member retired for industrial disability has made contributions in respect to service rendered in a category of membership other than the category in which he was at the time he suffered the disability or incurred the disease causing his retirement for industrial disability, in addition to the disability retirement allowance to which he is otherwise entitled

Annuity from prior contributions

under this article he shall receive an annuity purchased with his accumulated normal contributions made in respect to service rendered in such other category of membership.

SEC. 26.5. Section 21294.4 is added to said code, to read:

Effective date of increase

21294.4. Every retirement allowance payable on account of industrial disability 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 Sections 20024.01, 21202.5, and 21294.2, as the said sections exist on said effective date, had been in effect on the date of retirement of the member. This section does not authorize any decrease in any such retirement allowance, nor does this section give any recipient of any such retirement allowance, or his successors in interest, any claims against the State for any increase in any such retirement allowance paid or payable for time prior to its effective date. Calculations under this section shall be made on the basis of current interest rate and mortality tables.

SEC. 27. Section 21296 of said code is amended to read:

Disability retirement pension

21296. The disability retirement pension shall be such an amount as with that portion of his annuity provided by his accumulated normal contributions, will make his disability retirement allowance equal:

(a) Ninety percent of one-sixtieth of his final compensation multiplied by the number of years of service credited to him; or

(b) If the disability retirement allowance computed under subdivision (a) does not exceed one-fourth of his final compensation, 90 percent of one-sixtieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age 60, but in such case the retirement allowance shall not exceed one-fourth of such final compensation.

This subdivision is not applicable to members who are not entitled, at the time of retirement, to be credited with at least 10 years of state service, nor to members who have become members of the retiring annuities system of the university.

SEC. 28. Section 21298 of said code is amended to read:

Local member's disability retirement allowance

21298. The disability retirement allowance of a local miscellaneous member retired for disability or a local safety member retired for nonindustrial disability and the requirements for obtaining it are the same as those for state members so retired if the employing contracting agency elects, by express provision in its contracts, or by amendment to its contract made as provided in Section 20461.5, to subject itself and its employees to the provisions of this part reducing the ages at which members may retire and increasing the benefits members will receive.

If, however, the employing contracting agency does not so elect, then as to the local miscellaneous members employed by that agency retired for disability and the local safety members employed by that agency retired for nonindustrial disability, the requirements for obtaining the disability retirement allowance are the same as those for state members so retired, but the disability retirement pension shall be such an amount as with

that portion of his annuity provided by his accumulated normal contributions, will make his disability retirement allowance equal:

(a) Ninety percent of one-seventieth of his final compensation multiplied by the number of years of service credited to him; or

(b) If the disability retirement allowance computed under subdivision (a) does not exceed one-fourth of his final compensation, 90 percent of one-seventieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age 65, but in such case the retirement allowance shall not exceed one-fourth of such final compensation; but in no event shall the disability retirement pension be more than sufficient to make the disability retirement allowance, exclusive of any annuity provided by accumulated additional contributions, exceed the service retirement allowance, exclusive of any annuity purchased by accumulated additional contributions, receivable by the member should he retire at the lowest age at which he would be eligible for service retirement, disregarding the right to retire after electing to allow his accumulated contributions to remain in the retirement fund following resignation or discharge. This subdivision is not applicable to members who are not entitled, at the time of retirement, to be credited with at least 10 years of state service.

The disability retirement pension shall be derived from the contributions of the employer.

SEC. 29. Section 21331 of said code is amended to read:

Time of election

21331. Such election, revocation, or change of election shall be made prior to the making of the first payment on account of any retirement allowance. If the member dies after the effective date of retirement and, with respect to Option 1, after his retirement has been approved, and within 30 days from the date upon which his election or changed election is received at the office of this system in Sacramento, his election is of no effect, and if no part of the allowance of the member is automatically continued by this part after his death and regardless of election as to optional settlements, his death shall be considered as that of a member before retirement unless the board, upon its determination that the election would have been received at the office of this system in Sacramento more than 30 days prior to the death but for circumstances not within the control of the member and not based upon any consideration of health, family relationship, or other consideration personal to the member, accepts the election

SEC. 29.5. Section 21335 of said code is amended to read:

Optional settlement four

21335. Optional settlement four consists of such other benefits as are the actuarial equivalent of his retirement allowance, that he may select subject to the approval of the board. However, the actuarial equivalent of benefits under this optional settlement payable to the member's beneficiary shall not exceed the actuarial equivalent of the benefits which would be payable

to that beneficiary if the member had elected optional settlement two.

SEC. 30. Section 21364 of said code is amended to read:

Special death benefit

21364. The special death benefit consists of:

(a) An amount equal to and derived from the same source as the basic death benefit; and

(b) An amount sufficient, when added to the amount equal to the basic death benefit, exclusive of the annuity provided by the deceased's accumulated additional contributions, to provide when applied according to tables adopted by the board, a monthly death allowance, equal to one-half of the average compensation earnable by the deceased during the five years immediately preceding his death in the membership category applicable to him at the time of the injury or the onset of the disease causing death, payable to the surviving wife to whom he was married prior to sustaining the injury or disease resulting in death, as long as she lives or until her remarriage; or if there is no widow, or if the widow dies or remarries before all children of the deceased member attain age 18, to his children under 18 collectively until every child dies or attains 18. The computation for time prior to entering the membership category applicable to the deceased at the time of the injury or the onset of the disease causing death shall be based on the compensation earnable by him in the position first held by him in that category.

(c) An annuity which is the actuarial equivalent, assuming monthly payments for life to the surviving wife, of the deceased's accumulated additional contributions at the date of his death, plus his accumulated contributions at that date based on compensation earned in any membership category other than the category applicable to him at the time of the injury or the onset of the disease causing death.

SEC. 30.5. Section 21364.5 is added to said code, to read:

Effective date of increase

21364.5. Every special death benefit payable for time commencing on the effective date of this section is hereby increased to the amount it would be if the provisions of Section 21364, as they exist on the said effective date, had been in effect on the date of the death of the member; but this section does not authorize any decrease in any such special death benefit, nor does this section give any recipient of a special death benefit, or his successors in interest, any claim against the State for any increase in any special death benefit paid or payable for time prior to its effective date. Calculations of benefits payable under this section shall be made on the basis of current interest rate and mortality tables.

SEC. 31. Section 21365 of said code is amended to read:

Payment

21365. The special death benefit shall begin to accrue on the day next following the date of the member's death, and shall be paid in monthly installments to the surviving wife and children as prescribed in Section 21364.

SEC. 32. Section 20166 is added to said code, to read:

20166. All computations, payments, and other acts heretofore made or done by the board or its officers and employees which would be valid if Sections 20010.5, 20130.2, 20230, 20302.5, 20651.5, 20804.5, 20860.5, 20894.5, 20894.7, 20931, 20932, 21364, and 21365, 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. Validation

SEC. 33. This act shall become effective on the first day of the month next succeeding the ninetieth day after the final adjournment of the 1953 Regular Session of the Legislature Operative date

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CHAPTER 1187

An act to repeal Sections 73394, 73395, 74044, and 74045 of, and to add Sections 73394 and 74044 to, the Government Code, relating to the marshal of municipal courts in Santa Clara County.

[Approved by Governor June 17, 1953. Filed with Secretary of State June 18, 1953.] In effect September 9, 1953

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

SECTION 1. Sections 73394, 73395, 74044, and 74045 of the Government Code are repealed Repeal

SEC. 2. Section 73394 is added to said code, to read:

73394. The sheriff shall be ex officio marshal and shall act as such without additional compensation and his designated deputies shall be ex officio deputy marshals of the court. The persons who hold the positions of marshal, deputy marshals, and other persons lawfully entitled to act as such, shall become employees of the Sheriff's Office of the County of Santa Clara upon the effective date of this section Municipal court marshal Alviso-San Jose

SEC. 3. Section 74044 is added to said code, to read:

74044. The sheriff shall be ex officio marshal and shall act as such without additional compensation and his designated deputies shall be ex officio deputy marshals of the court. The persons who hold the positions of marshal, deputy marshals, and other persons lawfully entitled to act as such, shall become employees of the Sheriff's Office of the County of Santa Clara upon the effective date of this section Palo Alto-Mountain View

CHAPTER 1188

An act to add Section 4445 to the Public Resources Code, relating to surveys of soils, vegetation, and forest products on forest, range, and watershed lands.

In effect September 9, 1953

[Approved by Governor June 17, 1953. Filed with Secretary of State June 18, 1953.]

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

SECTION 1. Section 4445 is added to the Public Resources Code, to read:

Surveys of soils, etc.

4445. The State Forester may, under the supervision of the Director of Natural Resources and in accordance with the policy of the Board of Forestry, engage in surveys of soils, vegetation, and forest products on the forest, range, and watershed lands of the State of California, and the State Forester may, with the approval of the Department of Finance, enter into agreements with any agency of government, including the University of California and the Federal Government, and with any person, firm or corporation, for the purpose of engaging in cooperative soil, vegetation, and forest surveys and may make expenditures for such purposes.

CHAPTER 1189

An act to amend Section 14108 of the Education Code, relating to school district merit systems for noncertificated employees.

In effect September 9, 1953

[Approved by Governor June 17, 1953. Filed with Secretary of State June 18, 1953.]

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

SECTION 1. Section 14108 of the Education Code is amended to read:

Compensation of members of personnel commission

14108 Members of the commission may be paid five dollars ($5) per meeting but not over fifty dollars ($50) per month, except that in any school district situated wholly or partly within a city of the first and one-half class, members of the commission may be paid twenty dollars ($20) per meeting but not over one hundred dollars ($100) per month.

CHAPTER 1190

An act to amend Sections 89 and 884 of the Fish and Game Code, relating to fish and game.

In effect September 9, 1953

[Approved by Governor June 17, 1953. Filed with Secretary of State June 18, 1953.]

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

SECTION 1. Section 89 of the Fish and Game Code is amended to read:

89. District 20. The following shall constitute Fish and Game District 20: Santa Catalina Island and the portion of the state waters within three nautical miles of said island's coast line on the northerly, easterly, and southerly side of said island, lying between a line extending three nautical miles west magnetically from the extreme westerly end of Santa Catalina Island to a line extending three nautical miles southwest magnetically from the most southerly promontory of China Point. Fish and Game District 20

SEC. 2. Section 884 of said code is amended to read:

884. In Districts 17, 18, 19, and 20A, drift gill nets and set gill nets may be used. Gill nets

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CHAPTER 1191

An act to amend Section 11001 of the Health and Safety Code, relating to narcotics.

[Approved by Governor June 17, 1953. Filed with Secretary of State June 18, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 11001 of the Health and Safety Code is amended to read:

11001. "Narcotics," as used in this division, means any of the following: "Narcotics"

(a) Cocaine.
(b) Opium.
(c) Morphine.
(d) Codeine.
(e) Heroin.
(f) Alpha eucaine.
(g) Beta eucaine.
(h) All parts of the plant Cannabis sativa L. (commonly known as marihuana), whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; except as otherwise provided by law.
(i) Isonipecaine. "Isonipecaine" shall mean any substance identified chemically as 1-methyl-4-phenyl-piperidene-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated.
(j) Amidone. "Amidone" shall mean any substance identified chemically as 4.4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof by whatever trade name designated.
(k) Any substance decreed to be a narcotic as provided by Section 11002.1.
(*l*) All parts of the plant of the geni Lophophora whether growing or otherwise; the buttons thereof, the alkaloids extracted from any such plant; and every compound, salt, derivative, mixture or preparation of such plant.

(m) Dromoran. "Dromoran" shall mean any substance identified chemically as dl-3-hydroxy-N-methylmorphinan hydrobromide (dromoran hydrobromide) or any salt thereof by whatever trade name designated.

CHAPTER 1192

An act to amend Sections 14258.5, 14540 and 14813 of the Health and Safety Code, relating to fire protection districts.

In effect September 9, 1953

[Approved by Governor June 17, 1953. Filed with Secretary of State June 18, 1953.]

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

SECTION 1. Section 14258.5 of the Health and Safety Code is amended to read:

Withdrawals from fire protection districts

14258.5. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion may be withdrawn from the district. Such withdrawal shall be effective upon the filing with the State Board of Equalization, the governing body of the district, and the county assessor, of copies of a resolution of the legislative body of the city, describing the included portion, and declaring such portion withdrawn.

SEC. 2. Section 14540 of the Health and Safety Code is amended to read:

14540. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion may be withdrawn from the district. Such withdrawal shall be effective upon the filing with the State Board of Equalization, the governing body of the district, and the county assessor, of copies of a resolution of the legislative body of the city, describing the included portion, and declaring such portion withdrawn.

SEC. 3. Section 14813 of the Health and Safety Code is amended to read:

14813. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion may be withdrawn from the district. Such withdrawal shall be effective upon the filing with the State Board of Equalization, the governing body of the district, and the county assessor, of copies of a resolution of the legislative body of the city, describing the included portion, and declaring such portion withdrawn.

CHAPTER 1193

An act to add Chapter 8.5 to Part 3, Division 7 of the Streets and Highways Code, to renumber, add to said Chapter 8.5 and amend Sections 5223 and 5224, to add Sections 5230,

5232 and 5234 to said Chapter 8.5, to amend Sections 5225, 5392, 5395, 6421 and 6447, and to repeal Section 5226 of the Streets and Highways Code, relating to the boundaries of assessment districts, the work or improvement proposed to be done, the payment of assessments and the issuance of bonds to represent unpaid assessments.

[Approved by Governor June 17, 1953. Filed with Secretary of State June 18, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 8.5 is added to Part 3, Division 7 of the Streets and Highways Code, to read:

CHAPTER 8.5. CHANGE OF WORK, BOUNDARIES OF ASSESSMENT DISTRICT OR PROCEEDINGS

SEC. 2. Section 5230 is added Chapter 8.5, Part 3, Division 7 of the Streets and Highways Code, to read:

"Changes"

5230. "Changes" as used in this chapter shall include corrections, alterations, modifications, additions, omissions, increases or decreases.

SEC. 3. Section 5223 of the Streets and Highways Code is renumbered, added to Chapter 8.5, Part 3, Division 7 of said code and amended to read:

Changes in proposed work, boundaries, etc

5231. Unless the power to proceed shall have ceased at the conclusion of the hearing on the resolution of intention because of a majority protest, at any time before the confirmation of the assessment the legislative body may make changes in, to or from the boundaries of the proposed assessment district, the work proposed to be done, or any act, determination or provision made, or permitted to be made, by the legislative body under and pursuant to this division, which act, determination or provision does not affect the jurisdiction of the legislative body to order the work or improvement; provided, that after the award of the contract no such changes shall be made without the written consent of the contractor or the bidder to whom the contract shall have been awarded. The legislative body shall not change the boundaries to include any territory which will not, in its judgment, be benefited by the work.

SEC 4. Section 5232 is added to Chapter 8.5, Part 3, Division 7 of the Streets and Highways Code, to read:

Resolution, publication, hearing re change

5232. Before ordering any changes made, the legislative body shall adopt a resolution briefly describing the changes proposed to be made, stating the amount of the estimated increase or decrease in the cost of the work by reason of said proposed changes and giving notice of a time and place when and where any interested person having any objection to the changes proposed to be made may appear before the legislative body and show cause why said changes should not be ordered. Said resolution may describe said changes by referring to maps, plats, plans, profiles, detailed drawings or specifications on file in the office

of the clerk or engineer, which shall indicate the changes proposed to be made and which shall govern for all details thereof. Said resolution shall be published once not less than 10 days prior to the date of hearing stated in said resolution.

SEC. 5. Section 5224 of the Streets and Highways Code is renumbered, added to Chapter 8.5, Part 3, Division 7 of said code and amended to read:

Objections

5233. Written objections to the proposed changes may be filed with the clerk by any interested person at any time not later than the 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 thereof may be adjourned, and its decision thereon shall be final and conclusive. If no written objections to said changes have been delivered to the clerk up to the hour set for hearing thereon, or if said objections have been heard and found by the legislative body to be insufficient or have been overruled or denied, immediately thereupon the legislative body by an affirmative vote of four-fifths of its members shall acquire jurisdiction to order said changes made. The decisions and determinations of the legislative body ordering such changes after notice and hearing shall be final and conclusive upon all persons entitled to appeal thereupon to the legislative body.

SEC. 6. Section 5234 is added to Chapter 8.5, Part 3, Division 7 of the Streets and Highways Code, to read:

Limitations

5234. Changes made pursuant to this chapter shall be subject to the limitations, if any, contained in any law applicable to the proceedings, which law may impose limitations upon the amount by which the estimated cost of the work or improvement may be increased by reason of such changes.

SEC. 7. Section 5225 of the Streets and Highways Code is amended to read:

Jurisdiction to proceed with proposed work

5225. If no protests or objections in writing have been delivered to the clerk up to the hour set for the hearing thereon or if protests have been found by the legislative body to be insufficient, or have been overruled, or if protests against the extent of the proposed district have been heard and denied, immediately thereupon the legislative body shall acquire jurisdiction to order the proposed work to be done.

SEC. 8. Section 5392 of the Streets and Highways Code is amended to read:

Discharge of assessment

5392. The superintendent of streets shall, at any time, receive the amount due upon any assessment and warrant heretofore or hereafter issued by him and give a good and sufficient discharge therefor, except that after 30 days after the date of recording the warrant the superintendent of streets shall not receive any amount due upon any unpaid assessments for which the legislative body has provided for the issuance of bonds to represent said unpaid assessments.

SEC. 9. Section 5395 of the Streets and Highways Code is amended to read:

5395. After 30 days after the date of recording the warrant, all amounts remaining due on any assessment, except those assessments for which bonds have been issued or are to be issued, shall draw interest at the rate of 1 percent per month until paid, the interest to be computed from the thirty-first day after the recordation of the warrant. Interest

SEC. 10. Section 6421 of the Streets and Highways Code is amended to read:

6421. If any person, or his authorized agent, shall at any time before the thirty-first day after the recordation of the warrant present to the treasurer the following: Assessment bond

(a) His affidavit stating that he is the owner of a lot or parcel of land in the list,

(b) The certificate of a searcher of records that he is such owner of record, and

(c) A notice to the treasurer stating that he desires no bond to be issued for the assessments upon his lot or parcel of land, then no such bond shall be issued therefor, and the payee of the warrant, or his assigns, shall retain his right to enforce collection as if the lot or parcel of land had not been so listed by the street superintendent.

SEC. 11. Section 6447 of the Streets and Highways Code is amended to read:

6447. The owner of or any person interested in any lot or parcel of land upon which a bond has been issued under the terms of this division may at any time before commencement of proceedings for sale pay off the bond and discharge the land described in the bond from the lien of the assessment. The discharge may be had by paying to the treasurer, for the holder of the bond, the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon at the rate named in the bond, and all penalties accrued and unpaid, together with the premium, if any, required by Section 6464. For the purpose of this section, a bond shall be deemed to be issued on the thirty-first day after the recordation of the warrant upon any unpaid assessment for which the legislative body has provided for the issuance of a bond to represent said unpaid assessment. Payment of bond

SEC. 12. Section 5226 of the Streets and Highways Code is hereby repealed. Repeal

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CHAPTER 1194

An act to amend Section 21166 of the Water Code, relating to internal organization of irrigation districts.

[Approved by Governor June 17, 1953. Filed with Secretary of State June 18, 1953.] In effect September 9, 1953

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

SECTION 1. Section 21166 of the Water Code is amended to read:

Director's compensation

21166. A director for sitting on the board or acting under its orders shall receive not exceeding:

(a) Twenty dollars ($20) per day except in districts containing over 500,000 acres.

(b) Ten cents ($0.10) per mile for each mile actually traveled between his place of residence and the district office.

(c) Actual and necessary expenses when acting under the orders of the board.

CHAPTER 1195

An act to repeal Section 8814 of, and to add Section 8814 to, the Public Resources Code, relating to the state-wide system of plane coordinates.

In effect September 9, 1953

[Approved by Governor June 17, 1953. Filed with Secretary of State June 18, 1953.]

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

Repeal

SECTION 1. Section 8814 of the Public Resources Code is repealed.

SEC. 2. Section 8814 is added to said code, to read:

Description of real property

8814 Any map, survey, conveyance or other instrument delineating, or affecting the title to, real property which delineates, describes or refers to such property, or any part thereof, by reference to coordinates based on the California Coordinate System shall, in order to constitute, when recorded, constructive notice thereof under the recording laws, also delineate, describe or refer to such property, or such part thereof, by reference to data appearing of record in any office the records of which constitute constructive notice under the recording laws, sufficient to identify it without recourse to such coordinates; and in case of conflict between them the references to such recorded data shall be controlling

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CHAPTER 1196

An act to add Article 6.5 to Chapter 3, Division 7 of the Public Utilities Code and to amend Section 15966 thereof, relating to public utility districts.

In effect September 9, 1953

[Approved by Governor June 17, 1953. Filed with Secretary of State June 18, 1953.]

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

SECTION 1 Article 6.5 is added to Chapter 3, Division 7 of the Public Utilities Code, to read:

Article 6.5. Appointments in Lieu of Election

District elections

16171. If on the twentieth day prior to the general district election one person only has been nominated for each of the

positions of director to be filled at that election and a petition signed by not less than 50 landowners or 51 percent if there are fewer than 100 landowners in the district requesting that the election be held has not been presented to the board, an election shall not be held.

16172. A petition filed with the board under Section 16171 shall have attached thereto an affidavit or affidavits of the person or persons who circulated it to the effect that such person or persons saw written the signatures thereon and each was written by the person whose signature it purports to be. Petitions

The petition shall be transmitted by the board to the assessor or, if the district lies in more than one county, the appropriate assessors, who shall certify to the board, if such is the case, that the petition contains the names of 50 landowners in the district or, if there are fewer than 100 landowners in the district, 51 percent of such landowners or, if the petition contains a smaller number of names of such landowners, shall certify to the board such smaller number.

16173. In such case the notice of election shall instead of calling an election state that no election is to be held but that the board of supervisors will appoint those nominated for the positions of director. Notice of appointment

16174. If pursuant to Section 16171 a district election is not held, the board of supervisors of the county in which the district, or the largest part thereof in area, is situated shall at its next regular meeting appoint to the positions of directors those persons nominated, and such persons shall qualify, take office, and serve exactly as if elected at a general district election. Appointment of directors

SEC. 2. Section 15966 of said code is amended to read:

15966. (a) Not less than 30 days prior to the election, any five or more electors in the district may file with the board of directors a petition requesting that the names of certain persons specified in the petition be placed upon the ballot as candidates for the office of director at large. Director at large, etc.

(b) Not less than 30 days prior to the election, any five or more electors of a territorial unit may file with the board of directors a petition requesting that the name of a designated person specified in the petition be placed upon the ballot as candidate for the office of director from the territorial unit.

CHAPTER 1197

An act to amend Section 560.5 of the Vehicle Code, relating to penalty for violation of pedestrians' right of way at crosswalks.

[Approved by Governor June 17, 1953. Filed with Secretary of State June 18, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 560.5 of the Vehicle Code is amended to read:

Violation of pedestrians' right of way Penalty

560.5. Penalty for Violation of Pedestrians' Right of Way at Crosswalk. Every person convicted of a violation of Section 560 of this code shall be punished by a fine of not exceeding fifty dollars ($50) or by imprisonment in the county jail for not exceeding five days; provided, that when a violation of this section proximately causes bodily injury to the pedestrian, the person convicted of the violation shall be punished by a fine of not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not exceeding six months or by both such fine and imprisonment.

CHAPTER 1198

An act to add Section 8357.5 to, and to amend Section 8358 of, the Revenue and Taxation Code, relating to airports.

In effect September 9, 1953

[Approved by Governor June 18, 1953. Filed with Secretary of State June 19, 1953.]

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

SECTION 1. Section 8357.5 is added to the Revenue and Taxation Code, to read:

Airport districts

8357.5. For the purposes of this article an airport district shall be deemed to be a county. For the purposes of this article the population of an airport district shall consist of the population of the territory embraced by the district, and no part of the population of an airport district shall be deemed to be any part of the population of a county in which the district is partially or entirely located.

SEC. 2. Section 8358 of the Revenue and Taxation Code is amended to read:

Aviation fund

8358. The amounts paid to the several counties shall be paid into a special aviation fund established by the counties and may be expended for capital outlays for aviation or airport purposes and not for administration. If any county has not established such an aviation fund, its proportion of the apportionment shall be retained by the State until provision for such an aviation fund has been made, and it shall then be paid over to the county. Any county may pay any part of the money in its special aviation fund to any city, state college or branch of the University of California located in the county to be expended for the same purposes as the county may expend money in its aviation fund. Any money paid to a state college or branch of the University of California shall be expended within the county paying the money.

CHAPTER 1199

An act to amend Sections 2106, 2111, and 2203 of, and to add Section 2305 to, the Elections Code, relating to the selection

of delegates to the presidential conventions at the presidential primaries.

[Approved by Governor June 18, 1953. Filed with Secretary of State June 19, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2106 of the Elections Code is amended to read:

2106. Any nomination paper may be presented in sections. Each section shall contain the names of candidates comprising the group and state that they are candidates for delegates, and that they have expressed a preference for a named person as candidate for presidential nominee of the party. Each section shall bear the name of the city, if any, and also the name of the county in which it is circulated. Only voters of the county registered as intending to affiliate with the political party by which the nominations are to be made are competent to sign. Any section circulated within an incorporated city may be signed only by voters of that city.

Nomination papers

SEC. 2. Section 2111 of said code is amended to read:

2111. The nomination paper for a group of candidates shall be in substantially the following form:

Same Form for groups

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF GROUP OF CANDIDATES

Section _____ Page _____

County of _____, city or town of _____ (if any). Nomination paper of group of candidates for election as delegates by _____ party pledged to the candidacy of _____ as presidential nominee.

State of California
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the city or town of _____, County of _____, State of California, and am registered as intending to affiliate with the _____ party. I hereby nominate the following:

Number	Names	Residence City or Town	County	No. Congressional District
1	_____	_____	_____	_____
2	_____	_____	_____	_____
3	_____	_____	_____	_____

(to 26 names or such other number as may be required.) Etc., as candidates for delegates to the _____ party national con-

vention, to be voted for at the presidential primary to be held on the _____ day of _____, 19___. I have not signed the nomination paper of any other candidates for the same office, and I further declare that I intend to support for nomination the candidates named herein.

I furthermore declare that I have not signed the nomination paper of any of these candidates or of this group of candidates, as the candidate or group of candidates of any other party at this primary election.

Number	Precinct	Signature	Residence	Date
1	_____	_____	_____	_____
2	_____	_____	_____	_____
3	_____	_____	_____	_____
Etc.	_____	_____	_____	_____

VERIFICATION DEPUTY'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I have been appointed as a verification deputy to secure signatures in the County of _____ to the nomination paper of the group of candidates named in the signer's statement above as candidates for nomination and election by the _____ party as delegates to represent the State of California in the party's next national convention; that all the signatures on this section of the nomination paper numbered from 1 to ___, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

(Signed) _____
Verification Deputy

Subscribed and sworn to before me this _____ day of _____, 19___.

(SEAL)

_____
Notary Public (or other official)

SEC. 3. Section 2203 of said code is amended to read:

Candidates' endorsement

2203. Each group of candidates for delegate shall have the endorsement of the candidate for presidential nominee for whom the members of the group have filed a preference. The indorsement of the candidate for presidential nominee shall be filed with the Secretary of State before the circulation of any nomination papers of a group of candidates pledged to the support of his candidacy as presidential nominee.

SEC. 4. Section 2305 is added to said code, to read:

Time of filing

2305. The statement provided for in Section 2304 shall be filed prior to the circulation of the nomination papers of the group of which the candidate for delegate is a member.

CHAPTER 1200

An act to amend Sections 7351 and 8651 of, and to add Sections 7354, 7653, and 7654 to, the Revenue and Taxation Code, to amend Sections 370, 372, and 381 of, and to add Section 372.1 to, the Vehicle Code, and to add Sections 188.6 and 188.7 to, and to amend Sections 100.2, 186 and 188.4 of, the Streets and Highways Code, to provide for a system of state highways and for the financial support thereof, including the levying of taxes therefor, and to prescribe the dates upon which the provisions hereof take effect.

[Approved by Governor June 18, 1953. Filed with Secretary of State June 19, 1953.] In effect immediately

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

SECTION 1. Section 7351 of the Revenue and Taxation Code is amended to read:

7351. For the privilege of distributing motor vehicle fuel a license tax is hereby imposed upon distributors at the rate of four and one-half cents ($0.04½) for each gallon of fuel distributed by them in this State until July 1, 1953. Thereafter the rate shall be six cents ($0.06) for each gallon of fuel distributed until June 30, 1955, and thereafter the rate shall be five and one-half cents ($0.05½) for each gallon of fuel distributed. Fuel tax distributors

SEC. 2. Section 7354 is added to the Revenue and Taxation Code, to read:

7354. For the privilege of storing or using motor vehicle fuel as to the distribution of which a license tax not exceeding four and one-half cents ($0.04½) per gallon has been imposed under Section 7351, every person, except a duly licensed distributor, owning five hundred (500) gallons or more thereof on July 1, 1953, shall pay a tax of one and one-half cents ($0.01½) for each gallon of such fuel. Storage and use tax

SEC. 3. Section 7653 is added to the Revenue and Taxation Code, to read:

7653. On or before July 15, 1953, each person subject to the tax imposed under Section 7354 shall prepare and file with the board on forms prescribed by the board a return showing the total number of gallons of motor vehicle fuel owned by him on July 1, 1953, as to the distribution of which a license tax not exceeding four and one-half cents ($0.04½) per gallon has been imposed under Section 7351 and such other information as the board deems necessary for the proper administration of this part. The return must be accompanied by a remittance payable to the Controller in the amount of tax due. Return and remittance

SEC. 4. Section 7654 is added to the Revenue and Taxation Code, to read:

7654. All provisions, penalties and requirements in this part relating to license taxes payable by distributors, and provisions relative to payment of refunds, not inconsistent herewith, are Applicable provisions

applicable to the same force and extent with respect to taxes imposed under Section 7354.

SEC. 5. Section 8651 of the Revenue and Taxation Code is amended to read:

Use tax

8651. An excise tax is hereby imposed at the rate of four and one-half cents ($0.04½) per gallon on the use of fuel by any user thereof, until July 1, 1953. Thereafter the rate shall be seven cents ($0.07) for each gallon of fuel used until June 30, 1955, and thereafter the rate shall be six and one-half cents ($0.06½) for each gallon of fuel used.

SEC. 6. Section 370 of the Vehicle Code is amended to read:

Registration fees

370. Registration Fees. On and before June 30, 1955, a registration fee of eight dollars ($8) shall be paid to the department for the registration of every vehicle of a type subject to registration, except for such thereof as are expressly exempted under this code from the payment of registration fees. On and after July 1, 1955, a registration fee of seven dollars ($7) shall be paid to the department for the registration of every vehicle of a type subject to registration, except for such thereof as are expressly exempted under this code from the payment of registration fees.

SEC. 7. Section 372 of the Vehicle Code is amended to read:

Weight fees. Through June 30, 1955

372. Weight Fees for Commercial Vehicles. (a) In addition to the registration fee specified in Section 370, there shall be paid fees as set forth in this section for the registration of every vehicle of a type subject to registration used or maintained for the transportation of persons for hire, compensation or profit or designed, used or maintained primarily for the transportation of property.

(b) For any electric vehicle designed, used or maintained as described in subdivision (a) hereof fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	Less than 6,000 lbs.	$48.00
(2)	6,000 lbs or more but less than 10,000 lbs	96.00
(3)	10,000 lbs. or more	128 00

(c) For any motor vehicle having not more than two axles and designed, used or maintained as described in subdivision (a) hereof, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	3,000 lbs. to and including 4,000 lbs.	$14.00
(2)	4,001 lbs. to and including 5,000 lbs.	27.00
(3)	5,001 lbs. to and including 6,000 lbs.	40.00
(4)	6,001 lbs. to and including 7,000 lbs.	54.00
(5)	7,001 lbs. to and including 8,000 lbs.	67.00
(6)	8,001 lbs to and including 9,000 lbs.	80.00
(7)	9,001 lbs. to and including 10,000 lbs.	94.00
(8)	10,001 lbs. to and including 11,000 lbs.	107.00

Unladen weight	Fee
(9) 11,001 lbs. to and including 12,000 lbs.	$120.00
(10) 12,001 lbs. to and including 13,000 lbs.	134.00
(11) 13,001 lbs. to and including 14,000 lbs.	147.00
(12) 14,001 lbs. and over	160.00

(d) For any motor vehicle having three or more axles or for any trailer, semitrailer, pole or pipe dolly, or other dolly designed, used or maintained as described in subdivision (a) hereof, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
(1) 2,000 lbs. to and including 3,000 lbs.	$11 00
(2) 3,001 lbs. to and including 4,000 lbs.	20.00
(3) 4,001 lbs. to and including 5,000 lbs.	40.00
(4) 5,001 lbs. to and including 6,000 lbs.	60.00
(5) 6,001 lbs. to and including 7,000 lbs.	80.00
(6) 7,001 lbs. to and including 8,000 lbs.	100.00
(7) 8,001 lbs. to and including 9,000 lbs.	120.00
(8) 9,001 lbs. to and including 10,000 lbs.	140.00
(9) 10,001 lbs. to and including 11,000 lbs.	160.00
(10) 11,001 lbs. to and including 12,000 lbs.	180 00
(11) 12,001 lbs. to and including 13,000 lbs.	200.00
(12) 13,001 lbs. to and including 14,000 lbs.	220.00
(13) 14,001 lbs. to and including 15,000 lbs.	240.00
(14) 15,001 lbs. and over	267.00

(e) This section shall apply to the registration of every vehicle of a type subject to its provisions until June 30, 1955, and not thereafter.

SEC. 8. Section 372.1 is added to the Vehicle Code, to read:

372.1. Weight Fees for Commercial Vehicles. (a) In addition to the registration fee specified in Section 370, there shall be paid fees as set forth in this section for the registration of every vehicle of a type subject to registration used or maintained for the transportation of persons for hire, compensation or profit or designed, used or maintained primarily for the transportation of property.

Same: From July 1, 1955

(b) For any electric vehicle designed, used or maintained as described in subdivision (a) hereof fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
(1) Less than 6,000 lbs.	$44.00
(2) 6,000 lbs. or more, but less than 10,000 lbs.	88.00
(3) 10,000 lbs. or more	116.00

(c) For any motor vehicle having not more than two axles and designed, used or maintained as described in subdivision

(a) hereof, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	3,000 lbs. to and including 4,000 lbs.	$12.00
(2)	4,001 lbs. to and including 5,000 lbs.	24.00
(3)	5,001 lbs to and including 6,000 lbs.	37.00
(4)	6,001 lbs. to and including 7,000 lbs.	49.00
(5)	7,001 lbs. to and including 8,000 lbs.	61.00
(6)	8,001 lbs. to and including 9,000 lbs.	73.00
(7)	9,001 lbs. to and including 10,000 lbs.	85.00
(8)	10,001 lbs. to and including 11,000 lbs.	98.00
(9)	11,001 lbs. to and including 12,000 lbs.	110.00
(10)	12,001 lbs to and including 13,000 lbs.	122.00
(11)	13,001 lbs. to and including 14,000 lbs	134.00
(12)	14,001 lbs. and over	146.00

(d) For any motor vehicle having three or more axles or for any trailer, semitrailer, pole or pipe dolly, or other dolly designed, used or maintained as described in subdivision (a) hereof, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	2,000 lbs. to and including 3,000 lbs.	$10 00
(2)	3,001 lbs. to and including 4,000 lbs.	18 00
(3)	4,001 lbs. to and including 5,000 lbs.	37.00
(4)	5,001 lbs. to and including 6,000 lbs.	55.00
(5)	6,001 lbs. to and including 7,000 lbs.	73.00
(6)	7,001 lbs. to and including 8,000 lbs.	92.00
(7)	8,001 lbs. to and including 9,000 lbs.	110.00
(8)	9,001 lbs. to and including 10,000 lbs.	128.00
(9)	10,001 lbs. to and including 11,000 lbs.	146.00
(10)	11,001 lbs. to and including 12,000 lbs.	165 00
(11)	12,001 lbs. to and including 13,000 lbs.	183.00
(12)	13,001 lbs. to and including 14,000 lbs.	201.00
(13)	14,001 lbs. to and including 15,000 lbs.	220.00
(14)	15,001 lbs. and over	244.00

(e) This section shall apply to the registration of every vehicle of a type subject to its provisions on and after July 1, 1955.

References

(f) With respect to fees paid under this section the references in Sections 9654 and 9655 of the Revenue and Taxation Code to Section 372 of this code shall be deemed to refer to this section. On and after July 1, 1955, references in any provisions of this code or any other provisions of law to Section 372 of this code shall be deemed to refer to this section.

SEC. 9. Section 381 of the Vehicle Code is amended to read:

Operator's, etc., license fees

381. Fee for Operator's or Chauffeur's License On or before June 30, 1955, upon application for an operator's or chauffeur's license there shall be paid the department a fee of

three dollars ($3) and upon an application for the renewal of an operator's or chauffeur's license there shall be paid the department a fee of three dollars ($3) The payment of the fee shall entitle the person paying same to make application for an operator's or chauffeur's license and to three examinations within a period of six months. A person licensed as an operator who is qualified to receive a chauffeur's license may be issued a chauffeur's license for the unexpired term of his operator's license without an additional fee upon application and surrender of his operator's license. On and after July 1, 1955, each fee prescribed in this section shall be two dollars and fifty cents ($2.50).

The terms "operator's license" and "chauffeur's license" as used in this section include all licenses of every kind issued under Division 4 of this code

SEC. 9.5. Section 100.2 of the Streets and Highways Code is amended to read:

Agreements Freeways

100.2. The department is authorized to enter into an agreement with the city council or board of supervisors having jurisdiction over the street or highway and, as may be provided in such agreement, to close any city street or county highway at or near the point of its interception with any freeway or to make provision for carrying such city street or county highway over or under or to a connection with the freeway and may do any and all work on such city street or county highway as is necessary therefor. No city street or county highway shall be closed, either directly or indirectly, by the construction of a freeway except pursuant to such an agreement or while temporarily necessary during construction operations. No city street, county road or other public highway of any kind shall be opened into or connected with any freeway unless and until the California Highway Commission adopts a resolution consenting to the same and fixing the terms and conditions on which such connection shall be made and the said commission may give or withhold its consent or fix such terms and conditions as in its opinion will best subserve the public interest.

SEC. 10. Section 186 of the Streets and Highways Code is amended to read:

Expenditures Administration and maintenance

Sec. 186. For general administration and for maintenance, the department and the commission shall be limited in expenditures, out of the money available each year in the State Highway Fund, to an amount not exceeding the net revenue derived from one cent ($0.01) per gallon tax on motor vehicle fuel and on the use of fuel under Part 3 of Division 2 of the Revenue and Taxation Code. Of that amount the department shall expend such proportion as the commission determines is necessary for each of the following:

(a) General administration purposes.

(b) Maintenance of all state highways, including all traversable highways between the termini of and approximately on authorized state highway routes.

(c) Maintenance of highways in state parks.

SEC. 11. Section 188.4 of the Streets and Highways Code is amended to read:

Allocations to counties.

188.4. Out of the money expended pursuant to Section 188, the commission shall allocate and the department shall expend or cause to be expended in each county of County Group No. 1 and in each county of County Group No. 2 during each of the periods commencing and ending, respectively, July 1, 1952, to June 30, 1955, July 1, 1955, to June 30, 1958, and July 1, 1958, to June 30, 1963, not less than an amount computed as follows:

(a) The commission shall compute for each period an amount equal to the respective percentage hereinafter specified of the moneys to be expended in County Groups No. 1 and No. 2, respectively, as provided in Section 188:

Period	Percentage
July 1, 1952-June 30, 1955	60
July 1, 1955-June 30, 1958	65
July 1, 1958-June 30, 1963	65

(b) From the amount computed for county group one in subdivision (a) for the period ending on June 30, 1955, the commission shall determine the minimum expenditure for each county specified in this subdivision by applying the following percentages of said amount:

Alameda	20.721	Nevada	.839
Alpine	.410	Placer	1.595
Amador	.741	Plumas	.473
Butte	1.108	Sacramento	2.988
Calaveras	.632	San Benito	.474
Colusa	.577	San Francisco	18.688
Contra Costa	4.100	San Joaquin	2.850
Del Norte	.521	San Mateo	3.147
El Dorado	.649	Santa Clara	3.055
Fresno	2.646	Santa Cruz	1.443
Glenn	.518	Shasta	1.769
Humboldt	2.804	Sierra	.227
Kings	.529	Siskiyou	1.582
Lake	.631	Solano	1.732
Lassen	.391	Sonoma	2.735
Madera	.950	Stanislaus	2.162
Marin	1.707	Sutter	.508
Mariposa	.874	Tehama	1.042
Mendocino	2.423	Trinity	.351
Merced	1.881	Tuolumne	.717
Modoc	.549	Yolo	2.242
Monterey	2.604	Yuba	.696
Napa	.719		

Same

(c) From the amount computed for county group two in subdivision (a) for the period ending on June 30, 1955, the commission shall determine the minimum expenditure for each

county specified in this subdivision by applying the following percentages of said amount:

Imperial	1.454	San Bernardino	6.396
Inyo	.319	San Diego	6.092
Kern	4.759	San Luis Obispo	3.998
Los Angeles	52.100	Santa Barbara	5.524
Mono	.262	Tulare	2.584
Orange	8.114	Ventura	3.725
Riverside	4.673		

(d) From the amount computed for County Group No. 1 in subdivision (a) for the periods commencing July 1, 1955, and July 1, 1958, the commission shall determine the minimum expenditure for each county specified in this subdivision by applying the following percentages of said amount:

Alameda	18.610	Nevada	1.127
Alpine	.332	Placer	1.642
Amador	.603	Plumas	.469
Butte	1.206	Sacramento	4.526
Calaveras	.555	San Benito	.450
Colusa	.489	San Francisco	15.161
Contra Costa	4.682	San Joaquin	3.272
Del Norte	.536	San Mateo	3.845
El Dorado	.750	Santa Clara	4.184
Fresno	3.103	Santa Cruz	1.371
Glenn	.493	Shasta	1.836
Humboldt	2.825	Sierra	.232
Kings	.671	Siskiyou	1.447
Lake	.553	Solano	2.354
Lassen	.428	Sonoma	2.979
Madera	.894	Stanislaus	2.147
Marin	1.562	Sutter	.621
Mariposa	.626	Tehama	1.060
Mendocino	2.481	Trinity	.384
Merced	2.007	Tuolumne	.696
Modoc	.482	Yolo	2.122
Monterey	2.801	Yuba	.693
Napa	.693		

(e) From the amount computed for County Group No. 2 in subdivision (a) for the periods commencing July 1, 1955, and July 1, 1958, the commission shall determine the minimum expenditure for each county specified in this subdivision by applying the following percentages of said amount: Same

Imperial	1.505	San Bernardino	6 371
Inyo	.312	San Diego	7.241
Kern	5 043	San Luis Obispo	3.585
Los Angeles	52 641	Santa Barbara	4.556
Mono	.343	Tulare	2 586
Orange	7.467	Ventura	3.656
Riverside	4.694		

(f) In the event that the department expends for construction and acquisition of rights of way in any county during the period from July 1, 1952, to June 30, 1955, a larger sum than that required under subdivisions (b) or (c), the excess may be credited against the required expenditure in that county for the period from July 1, 1955, to June 30, 1958, under subdivisions (d) and (e).

(g) The entire obligation under a contract awarded or a day labor project commenced during any of said periods shall be deemed an expenditure within the period in which such contract was awarded or day labor project commenced.

SEC. 13. Section 188.7 is added to the Streets and Highways Code, to read:

Prison labor

188.7. Any expenses incurred in connection with any state highway under Articles 4 and 5 of Chapter 5 of Title 1 of Part 3 of the Penal Code shall be paid from money in the State Highway Fund available for the construction of state highways, but such expenditures shall not be subject to Sections 188 and 188.4 of this code.

Tax levy

SEC. 14. Sections 1 to 9, inclusive, of this act provide for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect, but shall not become operative until July 1, 1953, except that Section 8 of this act shall become operative on July 1, 1955; and the increase in the registration fees made by Sections 6 and 7 of this act shall not be applicable to vehicles registered in this State on or before June 30, 1953, until the first renewal of registration of such vehicles after said date; and the increase in operator's and chauffeur's license fees made by Section 9 of this act shall not be applicable to licenses issued on or before June 30, 1953, until the first renewal thereof after said date.

Legislative intent

SEC. 15. This act is intended to provide a 10-year program for the development of the State Highway System.

CHAPTER 1201

An act to add Article 4, consisting of Section 6421, to Chapter 4, Part 1, Division 2, of the Revenue and Taxation Code, relating to sales and use taxes.

In effect September 9, 1953

[Approved by Governor June 18, 1953. Filed with Secretary of State June 19, 1953.]

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

SECTION 1. Article 4, comprising Section 6421, is added to Chapter 4, Part 1, Division 2, of the Revenue and Taxation Code, to read:

Article 4. Exemption Certificates

Exemption certificates

6421. If a purchaser certifies in writing to a seller that the property purchased will be used in a manner or for a purpose

entitling the seller to regard the gross receipts from the sale as exempted by this chapter from the computation of the amount of the sales tax, and uses the property in some other manner or for some other purpose, the purchaser shall be liable for payment of sales tax as if he were a retailer making a retail sale of the property at the time of such use, and the cost of the property to him shall be deemed the gross receipts from such retail sale.

CHAPTER 1202

An act to renumber Section 6019, added by Statutes of 1951, Chapter 798, of, and to amend Section 6486 of, the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor June 18, 1953. Filed with Secretary of State June 19, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6019 of the Revenue and Taxation Code added by Statutes of 1951, Chapter 798, is renumbered and amended to read:

6020. Producers of X-ray films for the purpose of diagnosis are the consumers of materials and supplies used in the production thereof.

X-ray film producers

SEC. 2. Section 6486 of the Revenue and Taxation Code is amended to read:

6486. The board shall give to the retailer or person storing, using, or consuming tangible personal property 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 retailer or person storing, using, or consuming tangible personal property at his address as it appears in the records of the board, but the service shall be deemed complete at the time of the deposit of the notice in the mail without extension of time for any reason.

Notice of board determination

CHAPTER 1203

An act to add Section 25466 to the Government Code, relating to changes in county construction contracts.

[Approved by Governor June 18, 1953. Filed with Secretary of State June 19, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 25466 is added to the Government Code, to read:

25466. The board of supervisors may, by board order, authorize the county engineer, or other county officer, to order changes or additions in the work being performed under construction contracts. When so authorized, any change or addition

Changes in county construction contracts

in the work shall be ordered in writing by the county engineer, or other designated officer, and the extra cost to the county for any change or addition to the work so ordered shall not exceed five hundred dollars ($500) when the total amount of the original contract does not exceed fifty thousand dollars ($50,000), nor 1 percent of the amount of any original contract which exceeds fifty thousand dollars ($50,000). In no event shall any such change or alteration exceed four thousand five hundred dollars ($4,500).

CHAPTER 1204

An act to amend Section 330 of the Fish and Game Code, relating to property of the State used for fish and game purposes.

In effect September 9, 1953

[Approved by Governor June 18, 1953. Filed with Secretary of State June 19, 1953.]

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

SECTION 1. Section 330 of the Fish and Game Code is amended to read:

Income from wildlife management areas

330. When income is derived directly from real property acquired by the State of California for and operated by the State as wildlife management areas, and regardless of whether income is derived from property acquired after the effective date of the amendment to this section adopted in 1949, the department shall reimburse annually the county in which such property is located an amount equal to the county taxes levied upon such property at the time title to said property was transferred to the State. The department shall also pay the assessments levied upon such property by any irrigation, drainage, and reclamation districts. Any delinquent penalties or interest applicable to any such assessments made prior to the effective date of this act are hereby canceled and shall be waived. Payments provided by this section shall be from the Fish and Game Preservation Fund or other funds available to the department.

As used in this section, the term "wildlife management area" includes waterfowl management areas, deer ranges and public shooting grounds, upland game bird management areas and public shooting grounds.

CHAPTER 1205

An act to amend Section 698 of the Vehicle Code, relating to equipment and load lengths of motor vehicles.

In effect September 9, 1953

[Approved by Governor June 18, 1953. Filed with Secretary of State June 19, 1953.]

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

SECTION 1. Section 698 of the Vehicle Code is amended to read:

698. Length of Loads (a) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the front wheels of such vehicle or the front bumper of such vehicle if it is equipped with such a bumper. Vehicle load lengths

This provision shall not apply to the booms or masts of shovels or cranes carried upon a motor vehicle; provided, however, that such booms or masts shall not extend more than two-thirds of the wheel base beyond the front wheels of such vehicle, and; provided further, that the projecting structure or attachments thereto shall be securely held in place to prevent dropping or swaying, and that no part of such structure which extends beyond the front wheels shall be less than seven feet from the roadway, and that the driver's vision shall not be impaired by the projecting or supporting structure

(b) The load upon any motor vehicle alone or an independent load only upon a trailer or semitrailer shall not extend to the rear beyond the last point of support for a greater distance than that equal to two-thirds of the length of the wheel base of the vehicle carrying such load; provided, the wheel base of a semitrailer shall be considered as the distance between the rearmost axle of the towing vehicle and the rearmost axle of the semitrailer.

(c) The load upon any combination of vehicles, except loads of poles or pipes shall not exceed 75 feet measured from the front extremity of the front vehicle or load to the rear extremity of the last vehicle or load.

CHAPTER 1206

An act to amend Section 6054 of the Harbors and Navigation Code, relating to the nomination papers for harbor commissioners.

[Approved by Governor June 18, 1953. Filed with Secretary of State June 19, 1953.] In effect September 9, 1953

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

SECTION 1. Section 6054 of the Harbors and Navigation Code is amended to read:

6054. Any qualified voter in the proposed or existing district may sign as many nomination papers as there are commissioners to be elected. Harbor commissioners Nomination papers

At the first election for commissioners, all candidates shall file their nomination papers with the county clerk of the county, not more than 65 nor less than 40 days before the day of election, and all candidates for harbor commissioners at any subsequent election shall file nomination papers with the board not more than 65 nor less than 40 days before the day of election.

CHAPTER 1207

An act to amend Section 11166.02 of the Health and Safety Code, relating to narcotics.

In effect September 9, 1953

[Approved by Governor June 18, 1953. Filed with Secretary of State June 19, 1953.]

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

SECTION 1. Section 11166.02 of the Health and Safety Code is amended to read:

Narcotic prescriptions

11166.02. Except as provided in Section 11166.12 of this code, no person shall order or prescribe for a narcotic or fill, compound, or dispense a prescription for a narcotic unless it is wholly written in ink or indelible pencil in the handwriting of the prescriber, signed and dated by the prescriber, and containing the name and address of the person for whom prescribed, and stating the name and quantity of the narcotic prescribed.

CHAPTER 1208

An act to amend Section 32121 of the Health and Safety Code, relating to hospital districts.

In effect September 9, 1953

[Approved by Governor June 18, 1953. Filed with Secretary of State June 19, 1953.]

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

SECTION 1. Section 32121 of the Health and Safety Code is amended to read:

Hospital districts: Powers

32121. Each local hospital district shall have and exercise the following powers:

(a) To have and use a corporate seal and alter it at pleasure;

(b) To sue and be sued in all courts and places and in all actions and proceedings whatever;

(c) To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description within the limits of the district, and to control, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district;

(d) To exercise the right of eminent domain for the purpose of acquiring real or personal property of every kind necessary to the exercise of any of the powers of the district;

(e) To administer any trust declared or created for hospitals of the district, and received by gift, devise, or bequest and hold in trust or otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such hospitals.

(f) To employ legal counsel to advise the board of directors in all matters pertaining to the business of the district, and to perform such functions in respect to the legal affairs of the

district as the board may direct; and to call upon the district attorney of the county in which the greater part of the land in the district is situated for legal advice and assistance in all matters concerning the district, except that if that county has a county counsel, the directors may call upon the county counsel for such legal advice and assistance.

(g) To employ such officers and employees, including architects and consultants, as the board of directors deems necessary to carry on properly the business of the district;

(h) To prescribe the duties and powers of the manager, secretary and other officers and employees of any such hospitals; to determine the number of and appoint all such officers and employees, and to fix their compensation, which said officers and employees shall hold their offices or positions at the pleasure of said boards.

(i) To do any and all things which an individual might do which is necessary for and to the advantage of a hospital and a nurses' training school

(j) To establish, maintain and operate one or more hospitals, situated within the territorial limits of the district.

(k) To do any and all others acts and things necessary to carry out the provisions of this division.

(*l*) To acquire, maintain, and operate ambulances or ambulance services within and without the district.

CHAPTER 1209

An act to add Section 1271 to the Fish and Game Code, relating to deer, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 18, 1953. Filed with Secretary of State June 19, 1953.] In effect immediately

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

SECTION 1. Section 1271 is added to the Fish and Game Code, to read:

1271. Notwithstanding any provision of Section 1270 deer may be taken in that portion of District 2 lying within Colusa County and not within the Mendocino National Forest only between August 8th and September 13th and in that portion of District 2 lying within Colusa County within the Mendocino National Forest only between September 19th and October 18th. This section supersedes any order of the commission under Article 1 of Chapter 2 of Division 1 of this code and the commission shall have no power to modify the provisions of this section by any order, rule or regulation pursuant to said article or any other provision of law. The provisions of this section shall remain in effect until October 19, 1953, and thereafter shall have no force or effect. Deer hunting 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:

Under the current order of the Fish and Game Commission fixing the seasons and bag limits for deer under the general regulatory powers delegated to the commission by Article 1 of Chapter 2 of Division 1 of the Fish and Game Code, the deer season in the portion of Colusa County lying south of Highway 20 will be from August 8th to September 13th, inclusive, and in the area of the county north of Highway 20 it will be September 19th to October 18th, inclusive. This will result in a concentration of deer hunters in the southern part of the county during the early season and a similar concentration in the northern part of the county in the late season. This concentration of the hunters will increase the hazards to the safety of the hunters and will result in the taking of a greater number of deer than would be taken if the season were uniform throughout the county. The commission is without power to modify its order and an act of the Legislature is necessary to protect the hunters and preserve the deer herds in the area affected. In order that the provisions of this act may take effect prior to the deer seasons of the current year this act must take effect immediately.

CHAPTER 1210

An act to repeal Division 9 of, and to add Division 9 to, the Public Resources Code, relating to soil and water conservation, prescribing the duties and functions of the State Soil Conservation Commission, and regulating the organization, operations, finances, and functions of soil conservation districts and providing for the discontinuance or change in boundaries of such districts.

In effect September 9, 1953

[Approved by Governor June 18, 1953. Filed with Secretary of State June 19, 1953.]

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

Repeal

SECTION 1. All of Division 9 of the Public Resources Code, except Section 9053, thereof, is repealed.

SEC. 2. Division 9 is added to the Public Resources Code, to read:

DIVISION 9. SOIL CONSERVATION

CHAPTER 1. GENERAL PROVISIONS

Article 1. Policy of State

State policy

9000. The Legislature hereby declares that the conservation of the soil is of fundamental importance to the prosperity and welfare of the people of this State. Severe pressure has

been placed upon the State's soil resources in order to supply the basic food requirements of a greatly expanded population, and the productivity of agricultural, range and forest lands must be preserved and increased if the present standard of living is to be maintained under continuing population increases. Special effort must be made to speed up the present program of soil and water conservation in order to provide for permanent productive use of all remaining resources. To promote such effort, the Legislature believes that the State must assume leadership in formulating and putting into effect a state-wide program of soil and water conservation and hereby declares that the provisions of this division of this code are enacted to accomplish the following purposes:

(a) To provide a means by which the State may cooperate with the United States and with soil conservation districts organized pursuant to this division in securing the adoption in this State of farm, range, and woodland practices best adapted to save the soil resources of the State from unreasonable and economically preventable waste.

(b) To provide for the organization and operation of soil conservation districts for the purposes of soil and water conservation, the control of runoff and the prevention and control of soil erosion, including, but not limited to, the improvement of farm irrigation, the development of storage and distribution of water, land drainage and land clearing. Such districts, in addition to their other powers, shall have legal authority

(1) To cooperate with the United States, this State, counties, public districts, other soil conservation districts, persons, associations, and corporations in matters relating to the control of runoff and to soil conservation through the prevention and control of soil erosion.

(2) With the consent of the owner, to construct on privately or publicly owned lands necessary works for the control of runoff and the prevention and control of soil erosion.

Such districts shall not have legal authority to conserve water for power purposes or to produce or distribute power for their own use or for the use of others.

9001. It is hereby declared as a matter of legislative determination:

(a) That the construction and maintenance on privately or publicly owned land of works for the control of runoff and the prevention and control of soil erosion caused by the action of water or wind or otherwise is in the general public interest and for the general public benefit.

(b) That the expenditure of state, county, district or other public funds for the construction or maintenance of such control or preventive works on privately or publicly owned land constitutes expenditure for the general public benefit.

Article 2. Definitions

Definitions

9010. As used in this division the following terms have the meanings attributed to them in this article, unless the context otherwise requires.

9011. "Commission" means the State Soil Conservation Commission.

9012 "District" means a soil conservation district.

9013. "Public district" means a district established under the law of this State, other than a soil conservation district.

9014. "Directors" means the board of directors of a district, and when powers are conferred or duties are imposed upon directors in this division the powers shall be exercised and the duties performed by the directors acting as a body and not as individuals.

9015. "Board" means the county board of supervisors.

9016. "Principal county" means the county in which all or the greatest portion of the land of a district is situated. The principal county remains the same regardless of any change in boundaries. The principal county of a consolidated district is that county in which all or the greatest portion of the area in the consolidated district is located.

9017. "Landowner" or "owner of land" means the person having legal title to the land in question. The person to whom the land is assessed for county taxes is presumed to be the owner of the land, in the absence of a showing to the contrary. The owner of an undivided interest in land is a landowner as to such proportion of the parcel as his interest bears to the whole.

9018. "Land occupant" or "occupant of land" means a person in possession of land within a district whether as owner, lessee, tenant, or otherwise. A person legally entitled to possession of land is a land occupant as to that land whether in actual possession or not. A person in actual possession of land is a land occupant regardless of his right of possession.

9019. "Elector" means a registered and qualified elector of the county who resides in the district.

9020. "Voter" means a person entitled to vote at an election held pursuant to this division.

9021. "Proxy" means a written authorization to vote or sign a petition. Landowners only may vote or sign petitions under this division by proxy. The proxy of an individual landowner shall be acknowledged by him. The proxy of a corporation shall contain a statement by the secretary or manager of the corporation that the proxy was authorized by the corporation. A corporation owning land may vote or sign a petition only by proxy.

9023. "Person" includes person, association, or corporation.

9024. "Assessment roll" means the entire assessment roll upon the basis of which real property is taxed for county purposes.

9025. "Assessment records" includes the assessment roll and all maps and other records relating to the assessment, levy, and collection of taxes, whether in the custody of the assessor or not.

9026. "Assessor" means the assessing officer of a county by whatever title he may be known.

CHAPTER 2. THE STATE SOIL CONSERVATION COMMISSION

Article 1. Organization

9030. There is in the Department of Natural Resources the State Soil Conservation Commission. It shall consist of seven members, the Director of the Agricultural Extension Service of the University of California, who shall be an ex officio member, the officer in charge of the state agency responsible for administering Parts 2, 3, and 4 of Division 2 of the Water Code, and five members who shall be appointed by the Governor, subject to the confirmation of the Senate, and shall be appointed for a term of four years. The commission shall be responsible to the Director of Natural Resources for the proper carrying out of its functions under this division. State Soil Conservation Commission

9031. The members to be appointed shall be directors and in making such appointments, the Governor shall provide for representation from the northern, central and southern portions of the State by appointing one from each of these areas and two from the State at large. Members

9032. Within 30 days after his appointment the appointed member shall take and file his oath of office as member of the commission. Oath

9033. The members of the commission shall receive no compensation for their services as such members but each shall be allowed reasonable and necessary expenses incurred in attendance at meeting of the commission or when otherwise engaged in the work of the commission at its direction. Compensation

9034. Four members of the commission shall constitute a quorum for any purpose, including organization. Quorum

9035. The commission shall elect a chairman from their number who shall serve as chairman for one year and until his successor is elected. Chairman

9036. The commission shall appoint a secretary. The secretary shall be a paid employee of the commission. The secretary shall be allowed his reasonable and necessary expenses incurred in the performance of his official duties as such secretary. Secretary

9037. The official headquarters of the commission shall be at Sacramento, California. Headquarters

Article 2. Powers and Duties

9040. The State Soil Conservation Commission is the state agency charged with carrying out the purposes and policy of this division. Powers and duties.

Forming districts

9041. The commission shall assist in the formation, organization and operation of soil conservation districts.

Investigations

9042. It may investigate any proposed new soil conservation district or addition of land to a district and report its findings and conclusions to the requesting authority and the proponents of such district, or addition.

Approval, etc., of plans

9043. It may advise with organized soil conservation districts as to plans and proposals relating to soil conservation activities, and, when such plans or proposals are presented to it, approve, disapprove, or suggest modifications of such plans or proposals.

Cooperation with other agencies

9044 It may cooperate with the United States, any soil conservation district, county, public district, or person in the furtherance of the purposes of this division, and to that end may receive and use contributions of funds or services or both for the investigating of, or planning works for, the control of runoff or the control or prevention of soil erosion.

Soil erosion

9045. Insofar as consistent with the duties, obligations and responsibilities of other public agencies, the commission may promote coordination of the activities of such agencies in furtherance of the control of runoff and the prevention and control of soil erosion.

Employees

9046. The commission may employ such clerical, technical, or other assistants as it deems necessary.

Article 3. Funds and Expenditures

Receiving contributions

9048. The commission may receive contributions from the United States, public districts, soil conservation districts, public agencies, or persons and may use such contributions for the purposes of the district

9049. The commission is authorized on behalf of the State to accept grants from the United States for the control of runoff and floods, the prevention or control of soil erosion, and for water conservation and to administer such grants pursuant to the terms thereof.

Disposition of money

9050. All money contributed to the commission shall be paid into the State Treasury to the credit of the Soil Conservation Commission Fund, which fund is hereby created. Such money shall be paid out upon the order of the chairman and secretary of the commission.

Article 4. The Soil Conservation Equipment Revolving Fund

Soil Conservation Equipment Revolving Fund Use of money

9054. The commission may purchase with money from the Soil Conservation Equipment Revolving Fund and rent to a soil conservation district or sell, on a rental-purchase agreement or otherwise, to a soil conservation district equipment and machinery suitable for work relating to soil conservation, including ditching machinery, grading machinery, soil moving machinery, tractors, and other machinery and equipment useful

for the actual operations of soil conservation projects and equipment, machinery, and buildings suitable for servicing, repairing, maintaining, transporting, and housing of that equipment. Of the money made available to the commission under this article not more than 25 percent shall be used for the purchase of equipment, machinery and buildings suitable for servicing, repairing, maintaining, transporting, or housing equipment Nothing in this article prohibits the purchasing of equipment of any kind from a district. Of the money available to the commission to carry out the provisions of this section, the commission shall limit the equipment which may be purchased under this section by any one district to approximately fifty thousand dollars ($50,000), but in no case shall the amount exceed sixty thousand dollars ($60,000) for any one district In the event any district already possesses more equipment than the limits herein provided, the commission shall reduce the equipment purchased by the district to conform to the limits herein provided, by January 1, 1956.

Limitation

Nothing in this section shall prohibit the commission from purchasing or holding equipment in its possession which it deems vital to the needs of the soil conservation districts and renting such equipment at rental rates approved by the Department of Finance to any soil conservation district.

Any equipment not purchased or held by the commission shall be sold prior to January 1, 1956, by the Department of Finance for the best price obtainable in cooperation with the Soil Conservation Commission. Funds received from the sale of such property and equipment shall be used first to pay any amounts due the Soil Conservation Commission on account of that property and equipment by reason of either a cash loan or rental agreement, second to pay any amounts due the State for loans made available by the Department of Finance, and any balance shall be available for expenditure for district purposes

9055 All equipment and machinery made available to any soil conservation district pursuant to this division is subject to call for emergency use in fire, storm, flood or disaster by a federal or state agency, a county, city, or district of this State.

Use of equipment

9056 The charge made to districts by the commission for repayment of each unit of equipment and the charges for services rendered to or by the districts in transporting, servicing, repairing, maintaining and housing equipment shall be sufficient to return to the commission sufficient revenue to provide for the replacement of all equipment as such replacement becomes necessary, to cover all costs of the commission in supervising, maintaining and operating such equipment, and to cover the costs of administration of the provisions of this article, it being the intent that the operations of the commission pursuant to this article shall be self-supporting. There shall be an equipment supervisor responsible to the commission in charge of all equipment purchased by the commission and sold to the districts for the purpose of supervising the maintenance and use of such equipment as long as the commission holds any equity in the

Charges

Equipment supervisor

equipment. The equipment supervisor shall further be charged with checking and reporting upon, at least once each six months, all equipment which it finds to be improperly operated, cared for or used or which is in default of payment. If such use or default cannot be satisfactorily corrected after due notification to the district by the commission, the latter may take possession of the equipment in the name of the State.

Rates

9057. The commission shall establish individual rates for the sale of all units or complements of equipment, subject to approval by the Department of Finance.

Chapter 3. Soil Conservation Districts

Article 1. Lands Included

Formation of district.

9060. A soil conservation district may be formed pursuant to this division for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, and the improvement of land capabilities.

Lands included

9061. The lands included in a district shall be those generally of value for agricultural purposes, including farm and range land useful for the production of agricultural crops or for the pasturing of livestock, but other lands may be included in a district if necessary for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, or land improvement, and for fully accomplishing the purposes for which the district is formed.

9062. The lands included in any one district need not be contiguous but they shall be susceptible of the same general plan or system for the control of runoff, the prevention or control of soil erosion, and the development and distribution of water, or land improvement. No lands may be included in more than one district.

9063. The lands included in any one district may be situated in one or more counties.

9064. The lands included in a district may be publicly owned or privately owned.

Article 1.5. Investigation of Proposals

Submission of proposals

9070. Any proposal for the formation of a new district shall be submitted to the board of supervisors of the county in which all or the greatest portion of the land of the proposed district is situated.

Investigation

9071. The board of supervisors first shall request the commission to investigate the proposal for a new district, particularly with reference to the location of boundaries and the practicability and feasibility for effecting a soil and water conservation program within the provisions of this division.

Report

9072. The commission shall make the requested investigation and report thereon as soon as practicable.

Submission to boundary commission

9073. Upon receipt of the report of the State Soil Conservation Commission the board of supervisors shall submit the

proposal for the new district to the county boundary commission of each county in which any part of the district is to be located.

9074. The county boundary commission shall consider the proposal and shall hold a public hearing with respect thereto if one is requested and if, in the discretion of the chairman or a majority of the members of the county boundary commission, a hearing would be in the public interest. Hearing

9075. In considering such a proposal, the county boundary commission shall compare the proposed boundaries of the district with those of soil conservation and other districts within the county and shall ascertain the extent to which overlapping or conflicting boundaries may result from the proposal, and may consider any factors that it may regard inimical to the public interest. Comparing boundaries

9076 Within 30 days after the submission of such proposal, the county boundary commission shall make its report and recommendation with respect thereto. This report shall be filed with the board of supervisors to which the proposal was submitted and a copy furnished to the proponents of the proposed district and to the State Soil Conservation Commission. Report

9077. Within 30 days after receiving the report of the county boundary commission on such proposal, the board of supervisors shall consider the matter and advise the proponents in writing of any changes in the proposed boundaries believed to be in the public interest. The recommendations of the board of supervisors or its finding that the proposed boundaries are satisfactory shall be accompanied by copies of the report from the county boundary commission and the State Soil Conservation Commission. A copy of the board's determination shall be sent to the county boundary commission and the State Soil Conservation Commission. Consideration by supervisors

9078. Upon the receipt of the report, the proponents shall consider the recommendations of the county boundary commission and the board of supervisors and may make any modifications recommended. Modifications

9079 If the proponents decline to accept any recommendations for modifications specified by the county boundary commission and the board of supervisors and file a statement of reasons therefor, the board of supervisors shall, within 10 days, reconsider the boundaries proposed by the proponents and notify the proponents as to whether the boundaries are or are not acceptable to the board of supervisors. A copy of the statement of reasons shall also be sent to the county boundary commission and the State Soil Conservation Commission by the proponents. Reconsideration of proposed boundaries

9080. If the county boundary commission and the board of supervisors in their reports find that the proposed boundaries are satisfactory or if the board of supervisors upon reconsideration finds the boundaries acceptable, the proponents may circulate a petition to form a new district. If the proposed boundaries are not acceptable and differences cannot be adjusted, the Petition to form new district

supervisors may, if a district is deemed in the public interest, set the boundaries and the proponents may proceed with the petition.

Article 2. Petition

Petition or organization of district

9083. A petition for the organization of a district shall be presented to the board of supervisors of the county in which is situated all or the greatest portion of the land in the proposed district.

Contents

9084 The petition shall describe the boundaries of the proposed district and shall propose a name for the district. The number of directors to be elected or appointed to govern the district shall be five (5).

Signatures

9085. The petition shall be signed and valid by either of the following:

(a) Not less than 100 landowners or 51 percent if there are less than 200 landowners in the proposed area;

(b) If 51 percent of the total landowners owning 51 percent of the private lands within the proposed district sign the petition, and if at the hearing as provided in Article 3 of this chapter the board of supervisors finds it is in the public interest and welfare to form such a district, it may, by an order entered on its minutes, declare that to be its finding, and may further declare and order that the territory within the boundaries fixed by the board shall be organized as a district and declared duly formed without election. The order shall name the district and appoint the first board of directors; said board of directors shall then proceed to organize and shall be governed by all the rest of the provisions of this division.

Number of acres

9086. The petition shall state the approximate number of acres calculated to be in the proposed district and the approximate number of acres for which each signer signs as owner.

Affidavits

9087. The petition may be comprised of sections which shall be identical except as to signatures and acreages. Each paper in the petition which bears signatures shall have attached thereto an affidavit of a qualified elector that he saw written the signatures thereon and each was written by the person whose signature it purports to be.

Proxies

9088 The proxies shall accompany the petition or appropriate section thereof.

Statement of title

9089. If a signer is other than the person to whom the land for which he purports to sign is assessed according to the assessment records of the county in which the land is situated, the petition or appropriate section shall be accompanied by a statement of the signer as to the source of his title.

Presentation of petition

9090. The petition shall be presented to the clerk of the board of supervisors of the principal county

Submission to assessors

9091 The clerk shall submit the petition and any accompanying papers to the assessor for examination. If the proposed district lies in more than one county the clerk shall submit appropriate sections to the assessors of the several counties, or submit the entire petition to the several assessors successively.

9092. Upon receipt of the petition and any accompanying papers each assessor shall compare the names signed thereto with the names of landowners in the district according to the assessment records and evidence of title available to him. Comparing names

9093. The assessor shall certify to the clerk of the principal county all of the following: Certification

(a) The total acreage of the proposed district situated in his county.

(b) The total number of persons who are owners of land and acreage owned in the proposed district and in his county according to the assessment records and to evidence of title available to him.

(c) The total number of acres in the proposed district in his county owned by the United States, this State, any public district, or any city or county.

(d) The number of persons the names of whom are signed to the petition who are owners of land in the district and in his county, and, if necessary, the total number of acres of land owned by the persons who have so signed the petition.

9094. Upon the completion of certification by the assessor or assessors the clerk shall present the petition to the board of supervisors of the principal county at its next regular meeting or at any special meeting called prior thereto. Presentation to board of supervisors

9095. The board shall consider and pass upon the sufficiency of the petition. In considering the sufficiency of the petition the board shall establish the finding of fact that the petition is signed by the required number of landowners, and that the boundary as described in the petition is acceptable to the board of supervisors. Passing on petition

9096. If the boundary as described in the petition does not conform with the recommendations of the board of supervisors, or if the petition is found to be insufficient, the board shall defer action on the petition and request reconsideration of the proposal by the proponents. Deferring action

9097. If the proponents cannot correct the insufficiencies of the petition or rectify the boundary discrepancies within 60 days the board shall deny the petition Denial of petition

Article 3. Hearing

9100. If the petition is found to be sufficient, the board shall set a time and place for a public hearing on the petition. Hearing

9101. Notice of the time and place of hearing shall be given by publication in a newspaper of general circulation published in each of the counties in which some part of the proposed district is situated. The cost of publication of the notice shall be paid by the principal county and is a county charge. Notice

9102. The published notice shall state that the petition has been received and will be heard at the time and place specified in the notice or at such time and place to which the hearing may be adjourned. The published notice shall set forth the petition in full with accompanying signatures; or it shall de-

scribe the petition and the location of the proposed district in general terms and refer to the petition on file with the clerk of the board for further particulars.

9103. The notice of the hearing shall be published at least once a week for two successive weeks in a newspaper of general circulation in the principal county and also in some newspaper of general circulation in each county in which a part of the proposed district lies.

Final adjustments

9104. Following this hearing the board will make such final adjustments between district boundaries and changes in district names as are considered to be in the public's interest As to those districts which include areas in adjoining counties, the final determination of boundaries shall be made by the board of the principal county upon agreement with the board of any such other county.

Testimony, evidence

9105. At the hearing the board shall hear and consider all relevant testimony and evidence in support of or in opposition to the petition. The hearing may be adjourned from time to time and from place to place.

Denial of petition

9108. If, after hearing, the board finds from all the evidence that the formation of the district would not be in the public interest it shall deny the petition.

Granting petition

9109. If, after hearing, the board finds that the formation of the district would be in furtherance of soil conservation and in the public interest the board shall determine the boundaries of the district and grant the petition.

Fixing boundaries

9110. In fixing the boundaries the board may include all lands not within the boundaries set forth in the petition the inclusion of which has been requested by the owner.

9111. The board shall exclude from the boundaries of the district or from within the district such lands as the owner thereof has requested to be excluded.

9112. In its final determination of the boundaries the board shall not include within the district any land which, in the opinion of the board, will not be benefited by such inclusion.

Final determination

9113. The determination of the boundaries of a district by the board shall be final.

Naming district

9114. After the boundaries are established and the petition granted, the board shall make and enter an order to that effect, which shall describe the boundaries, designate a name for the district.

Article 4. Election on Formation and of First Directors

Election

9120. Upon the making of an order granting a petition for formation and establishing the boundaries of a district the board shall forthwith call an election in the district upon the question of formation of the district and for the election of the first board of directors of the district, excepting those districts formed under Section 9085, subsection (b), of this code. However, if a general election is to be held within 60 days, the election shall be held at the time of the general election.

9121. Directors shall be elected at large and each shall be an owner of land in the district. Directors

9122. Candidates for office of director shall be nominated at least 10 days prior to the date of election. Nominations

9123. Nomination of candidates shall be in writing and signed by at least five qualified electors residing within the district. Nominations shall be filed with the clerk of the board of supervisors of the principal county.

9124. Notice of election shall be given at least 15 days prior to the election. Notice

9125. The notice shall describe the boundaries of the district as established by the board; designate the name of the proposed district; and specify the number of directors.

9126. Notice of election shall be published in a newspaper of general circulation published in the principal county and, if a portion of the district lies in any other county, also in a newspaper of general circulation published in such other county. The cost of publication of the notice in the principal county shall be paid by the principal county and shall be a county charge. The cost of publication of notice in any other county shall be paid by such other county and shall be a county charge.

9127. If the notice is published in a weekly newspaper it shall appear on at least three different days prior to the day of election, and the first publication shall be at least 15 days prior to the election.

9128. If the notice is published in a newspaper published more often than once a week it shall appear on three different days prior to the election, the first publication shall be at least 15 days prior to the election, and there shall be at least five days between the days of publication. In computing the five-day period both the first and last days shall be included

9129. The board shall establish a convenient number of precincts, define their boundaries, and designate a polling place in each. Precincts, polling places

9130. The county clerk of any county in which an election under this division is to be held, may provide separate ballots for such election. The separate ballots shall be sufficient if they conform to the requirements of this division and they need not conform to the provisions of the Elections Code relating to the form of ballots. Ballots

Election officers shall be appointed, ballots and supplies provided, and the election conducted as prescribed by the provisions of this division relating to general soil conservation district elections, except that the board of supervisors shall act in place of the directors and the clerk of the board in place of the secretary of the directors

9131. Except as otherwise provided, the general election laws shall apply to elections under this article. Law applicable

9132. No irregularity or informality shall invalidate any election under this article or the result thereof if notice has been given substantially as provided in this article and the election is fairly conducted. Irregularities. Effect

Ballots

9133. On the ballots at such election shall be printed a proposition substantially as follows: "Shall the proposed _____ soil conservation district be organized?" followed by the words "yes" and "no," with voting space thereafter, together with the names of the candidates for directors.

Candidates' names

9134. The names of candidates for director shall be arranged alphabetically with a voting square after each. Above the names of the candidates shall appear the words "Vote for _____ (inserting the proper number)." Blank spaces shall be provided below the printed names of candidates wherein electors may write in names of persons whose names are not printed on the ballot and vote for them for directors

Qualified electors

9135. Any landowner residing in the district may vote at an election under this article

Canvass

9136. The board of supervisors of each county in which a part of the district is situated shall meet on the second Monday following the election and canvass the votes. The results of the canvass of the votes of each county shall be certified to the board of the principal county.

Completed organization

9137. If upon the canvass it appears that a majority of all of the votes cast are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare the territory duly organized as a soil conservation district under the name designated. The organization of the district is complete when the order is entered on the minutes of the board.

Lost election

9138. If it appears that the majority of all of the votes cast are against the formation of the district the board shall declare the election lost.

Canvass

9139. If the majority is in favor of the formation of the district the board shall canvass the returns of the election for directors. The board shall determine the persons receiving the highest number of votes to the number required to fill the offices. A tie vote upon which election depends shall be decided by lot. Upon the ascertainment of the persons elected the board shall, by an order entered in its minutes, declare them duly elected. Certificates of election shall be issued to the elected directors by the clerk of the board

Contested election

9140. An election under this article may be contested by any landowner in the proposed district.

Time

9141 Such contest shall be brought within 20 days after the canvass of the vote and declaration of the result by the board of supervisors.

Parties

9142. The directors elected at the election shall be the parties defendant in the contest.

Court

9143. The contest shall be brought in the superior court in the principal county and if more than one contest as to the same election is pending they shall be consolidated and tried together.

Trial

9144. The court shall speedily try the contest and determine whether the election was fairly conducted and in substantial compliance with the requirements of this division and shall enter judgment accordingly.

9145. Either party may appeal from such judgment and such appeal shall be given the same preference as other contested election cases in the Supreme Court and in the district court of appeal when transferred thereto. Appeal

Article 5. Proceedings Supplemental to Organization

9150. The board of supervisors of the principal county shall, within 10 days after the entry of an order declaring a district organized, cause a certified copy of the order to be filed for record in the office of the county recorder of each county in which any portion of the district is situated. Copy of order

9151. The board shall also forward certified copies of said order to the State Soil Conservation Commission, the Secretary of State, and the clerk of the board of supervisors of each county, other than the principal county, in which any portion of the district is situated.

9152. No board of supervisors of any county in which any part of the lands embraced within a district is situated shall allow another soil conservation district to be formed which includes any portion of the lands within an existing district. Lands within established district

Article 6. District Directors

9160. The directors first elected shall take office immediately upon qualifying. Taking office

9161. Each director shall take the oath of office. Oath

9162. The directors shall receive no compensation for their services as such, but each shall be allowed reasonable and necessary expenses incurred in attendance at meetings of the directors or when otherwise engaged in the work of the district at the direction of the board of directors The directors shall fix the amount allowed for such necessary expenses, but no director shall be appointed to any position for which he would receive compensation as a salaried officer or employee of the district. Compensation

9163. No director or other officer of the district shall be interested directly or indirectly in the sale of equipment, materials, or services to the district. Prohibitions

9164. After all have qualified the directors first elected shall meet and classify themselves by lot into two classes as nearly equal in number as possible. The term of office of those in the class having the least number shall expire at noon on the first Tuesday in March of the next odd-numbered year after the year in which the meeting is held. The term of office of those in the other class shall expire at noon on the first Tuesday in March of the second odd-numbered year after the year in which the meeting is held. Classification

9165. After such classification the directors shall organize and elect a president from their number who shall serve as such at the pleasure of the directors. President

9166. The directors shall appoint a secretary who shall serve at the pleasure of, and whose compensation shall be fixed by, the directors. Secretary

Bonds

9167. The president and secretary shall each give a bond in the sum of two thousand dollars ($2,000) for the faithful performance of his duties.

9167.5. The bonds shall be recorded in the office of the county recorder of the principal county and filed with the county clerk of that county.

9167.6. The bonds shall be in the form prescribed for bonds of county officers and the premiums on the bonds shall be paid by the district.

Monthly meetings

9168. The directors shall select a date, time, and place at which regular monthly meetings of the directors shall be held.

9169. The directors may, by resolution, change the time or place of regular meeting but no such change shall be effective until after the publication of a notice of the change in a newspaper of general circulation published in the principal county and also in some newspaper of general circulation published in each other county in which any portion of the district lies.

Special meetings

9170. Special meetings of the directors may be held as required when ordered by a majority of the directors. The order shall be entered in the records of the district and five days notice of the meeting shall be given by mail by the secretary to each director not joining in the order.

9171. The order for a special meeting shall specify the business to be transacted. No other business shall be transacted at a special meeting unless all of the directors are present, in which case matters not specified may be considered by unanimous consent and acted upon.

Quorum

9172. A majority of the directors shall constitute a quorum but on all questions requiring a vote there shall be a concurrence of at least the number constituting a quorum, except that a number less than a quorum may adjourn or adjourn to a stated time.

Open to public

9173. All meetings of the directors shall be open to the public. All records of the district shall be open to public inspection during business hours.

Directors. Term of office

9174. The term of office of directors, except those first elected shall be four years. The expiration of the term of any director shall not constitute a vacancy and he shall hold office until his successor has qualified.

Resignations

9175. Resignations of directors shall be made in writing to the board of supervisors of the principal county.

Vacancies

9176. In case of a vacancy in the office of director it shall be filled by appointment for the unexpired term by the board of supervisors of the principal county.

Article 7. General District Elections

Biennial elections

9200. An election to be known as the general soil conservation district election shall be held in each district on the second Tuesday after the first Monday in February in each odd-numbered year, at which a successor shall be chosen for each director whose term of office expires in March thereafter.

9201. Not less than 30 days prior to the election, any five or more electors in the district may file with the board of supervisors of the county in which is situated all or the greatest portion of the land in the district a petition requesting that the names of certain persons specified in the petition be placed upon the ballot as candidates for the office of director. Each person nominated shall be an owner of land within the district. Nominations

9202. Any candidate nominated for director may withdraw his name within five days after nominations officially close. When a candidate withdraws his name within the time specified above, his name shall not be printed on the ballot. Withdrawal of candidate

9203. The election shall be conducted by the board of supervisors and county clerk of the county in which is situated all or the greatest portion of the land in the district, the votes cast, and returns made to such board as nearly as practicable in conformity with the general election laws of this State, including but not limited to those relating to local elections, except that the register used may be that prepared for any other election, and except as otherwise provided. Conducting election

9204. If on the twentieth day prior to the day fixed for the general soil conservation district election it appears that one person but not more than one, or that no person, has been nominated for each of the positions of director, which are to be filled at that election and that a petition, signed by not less than 5 percent of the registered voters in the district requesting that the general soil conservation district election in the district be held, has not been presented to the board of supervisors of the principal county, an election shall not be held, but the board of supervisors of the principal county at a regular, adjourned, or special meeting held prior to the day fixed for said election shall appoint to each of said positions the person who has been nominated for such position, or if no person has been nominated, any qualified person. The persons so appointed shall qualify, take office and serve exactly as if elected at a general soil conservation district election. Noncontested elections

In such instances a notice that no election is to be held but that the board of supervisors will appoint those nominated, or qualified persons if none have been nominated, for said positions of director, shall be published at least 5 days prior to the date upon which said election would have been held.

9205. The board of supervisors of the county in which is situated all or the greatest portion of the land in the district shall canvass the returns of the election. Canvass

9206. Such board of supervisors shall provide for the appointment of precinct boards and the formation of precincts for such elections, and shall pay the expenses of the election. Such county clerk shall furnish each precinct board with a map showing the boundaries of the district. Precincts

9207. Any landowner residing in the district may vote at an election under this article. Eligible voters

9208. The county clerk of the county in which is situated all or the greatest portion of the land in the district as soon as Certified statement

the result is declared shall certify to the district for its records a statement of the result which shall show (a) the whole number of votes cast in the district, (b) the names of the candidates voted for, (c) the number of votes given in each precinct for each candidate.

Certificate of election

9209 Such county clerk shall immediately make out, sign, and deliver to each person elected a certificate of election.

Contested elections

9210. The election of any director may be contested on the grounds and in the manner provided by the Elections Code for contests at general elections.

Oath, bonds, etc

9211. The directors elected shall qualify within 20 days after receiving their certificates of election by taking the oath The president and the secretary of the board shall file an official bond in the sum of two thousand dollars ($2,000) approved by a judge of the superior court of the principal county The premiums on such bonds shall be paid by the district

Taking office

9212. The directors so elected and qualified shall take office at noon on the first Tuesday in March next following their election.

Article 8. General Powers of District

Powers of directors

9250. The board of directors of a district shall manage and conduct the business and affairs of the district.

General

9252. The directors may execute all necessary contracts They may employ such agents, officers, and employees as may be necessary, prescribe their duties, and fix their compensation.

Property

9253. The directors may acquire by purchase, lease, contract, or gift all lands and property necessary to carry out the plans and works of the district.

Conveyances, etc

9254. The directors may take conveyances, leases, contracts, or other assurances for all property acquired by the district, in the name, and for the uses and purposes, of the district.

Suits

9255. The directors may sue and be sued in the name of the district and may appear in person or by counsel.

Cooperation

9256. The directors may cooperate and enter into contracts or agreements with the State, the United States, any county, any other soil conservation or other public district in this State, any person, or the commission, in furtherance of the provisions of this division, and to that end may accept and use contributions of labor, money, supplies, materials, or equipment useful for accomplishing the purposes of the district.

Improvements

9257. The directors may make improvements or conduct operations on public lands, with the cooperation of the agency administering and having jurisdiction thereof, and on private lands, with the consent of the owners thereof, in furtherance of the prevention or control of soil erosion, and water conservation and distribution, including but not limited to terraces, ditches, levees, and dams or other structures, and the planting of trees, shrubs, grasses, or other vegetation.

Operation of works

9258. The directors may operate and maintain, independently or in cooperation with the United States or this State

or any state agency or political subdivision or any person, any and all works constructed by the district

9259. The directors may disseminate information relating to soil and water conservation, and may conduct demonstrational projects within the district on public land, with the consent of the agency administering or having jurisdiction thereof, or on private lands, with the consent of the owners thereof, independently or in cooperation with the United States, this State or any political subdivision or public district thereof, or any person. Information

9260 When in the judgment of the directors it is for the benefit of the district so to do, they may give assistance to private landowners or land occupants within the district in seeds, plants, materials and labor, and may loan or rent to any such private landowner or land occupant agricultural machinery or other equipment. No such assistance shall be given or any such loans made unless the landowner or land occupant receiving such aid or assistance agrees to devote and use same on his lands within the district in furtherance of objectives of the district and in accordance with district plans or regulations. Notwithstanding the fact that he is also a director any landowner is qualified to and may receive assistance or loans under this section Equipment loan, etc

9261. The directors shall develop district-wide comprehensive plans for soil and water conservation, including the improvement of farm irrigation and land drainage within the district. Plans

9262. The directors may take over, by purchase, lease, or gift and administer any soil-conservation, water conservation, water distribution, erosion-control, or erosion-prevention project located within the district undertaken by the United States or any of its agencies, or by this State or any of its agencies. Purchase, etc., of projects

9263 The directors may manage, as agent of the United States or any of its agencies, or of this State or any of its agencies, any soil-conservation, water conservation, water distribution, erosion-control, or erosion-prevention project within the district; and may act as agent for the United States, or any of its agencies, or for this State or any of its agencies, in connection with the acquisition, construction, operation, or administration of any soil-conservation, erosion-control, or erosion-prevention project within the district Management of projects

9264. The directors may establish standards of cropping and tillage operations and range practices on private land as a condition to expenditure by the district of district or other funds, or to the doing by the district of any work of any nature, on private lands. Cropping, etc., standards

9264.5. The directors of any district may cooperate with the directors of any other district in respect to matters of common interest or benefit to the districts An association of soil conservation districts may be organized to facilitate such cooperation, to provide for the loan of equipment and tools by one district to another, and for the making of investigations and studies Cooperation

and the carrying out of projects of joint interest to the districts participating therein.

Legal advice

9265. The directors of any district may call upon the district attorney of the principal county for legal advice and assistance in all matters concerning the district, except that if the principal county has a county counsel, then the directors shall call upon him for such legal advice and assistance. The district attorney or county counsel, as may be appropriate, shall, upon the request being made, give such advice and assistance.

Article 9. Property of District

Title to property

9270. The legal title to all property acquired by a district under the provisions of this division shall immediately and by operation of law vest in such district, and shall be held by such district for its uses and purposes under this division.

Acquiring, etc., property

9271. The directors are hereby authorized and empowered to hold, use, acquire, manage, occupy and possess property of any kind, and may lease or sell it as provided in this article.

Selling, etc., property

9272. The directors may determine by resolution entered upon their minutes that any property, real or personal, held by such district is no longer necessary to be retained for the uses and purposes of the district, and may thereafter sell or lease such property.

Conveyance

9273. A sale or conveyance of any property held by a soil conservation district, executed by the president and secretary thereof, in accordance with a resolution of the directors of the district, when the property is sold for a valuable consideration, shall convey good title to the property so conveyed.

Sale proceeds

9274. The proceeds of any such sale shall be paid into the county treasury of the principal county for the use of the district.

Article 10. Inclusion of Lands

Inclusion proposal

9280. A proposal for the inclusion of additional lands in a district shall be submitted to the board of directors of the district.

Investigation

9281. Upon receipt of a proposal for the inclusion of additional land, the board of directors shall first request the commission to investigate the proposal, particularly with reference to the location of boundaries and the practicability and feasibility of effecting the soil and water conservation program of the district in the proposed addition.

Report

9282. The commission shall make the requested investigation and report thereon to the board of directors as soon as practicable.

Submission of proposal to counties

9283. Upon receipt of the report, the board of directors shall submit the proposal to the county boundary commission of each county in which any part of the proposed addition is located.

Hearings

9284. The county boundary commission shall consider the proposal and shall hold a public hearing with respect thereto

if one is requested and if, in the discretion of the chairman or of a majority of the members of the county boundary commission, a hearing would be in the public interest.

Consideration

9285. In considering the proposal the county boundary commission shall compare the boundaries of the area proposed to be included with those of other soil conservation districts within the county, and shall ascertain the extent to which overlapping or conflicting boundaries may result from the proposal, and may consider any factors that it may regard inimical to public interest.

Report

9286. Within 30 days after the submission of such a proposal, the county boundary commission shall make its report and recommendations with respect thereto. This report shall be filed with the board of directors of the district and a copy furnished to the proponents of the proposed inclusion and to the State Soil Conservation Commission.

Recommendations

9287. Within 30 days after receiving the report of the county boundary commission, the board of directors shall consider the matter and advise the proponents in writing of any changes of the proposed boundaries believed to be in the public interest. The recommendations of the board of directors or its finding that the proposed boundaries are satisfactory shall be accompanied by copies of the report from the county boundary commission. A copy of the board of directors' determination shall be sent to the county boundary commission and the State Soil Conservation Commission.

Modifications

9288. Upon the receipt of the report, the proponents shall consider the recommendations of the county boundary commission and the board of directors and may make any modifications recommended.

Reconsideration

9289. If the proponents decline to accept any recommendations for modification specified by the county boundary commission and the board of directors and file a statement of reasons therefor, the board of directors shall, within 10 days, reconsider the boundaries proposed by the proponents as to whether or not the boundaries are or are not acceptable to the board of directors. A copy of the statement of reasons shall also be sent to the county boundary commission and to the State Soil Conservation Commission by the proponents.

Petition to include additional land

9290. If the county boundary commission and the board of directors in their reports find the proposed boundaries are satisfactory, or if the board of directors upon reconsideration finds the boundaries acceptable, the proponents of the proposal may circulate and file with the directors a petition requesting the directors to include the additional land.

Petition signatures

9291. The petition shall be signed by a majority of the landowners of the additional land who own more than one-half of the total acreage thereof.

Computing acreage

9292. In computing the percentage of acreage, land of the United States, this State, any public district, or any city or county shall be excluded.

Including public lands

9293. Any state or federal officer, agency, or other instrumentality in charge of any public land, if authorized to do so, may request the directors to include such land within the district.

Boundary descriptions

9294. The petition shall describe the boundaries of the tract proposed to be included.

Sufficiency of petitions

9295. The board of directors shall consider and pass upon the sufficiency of the petition. In considering the sufficiency of the petition the board shall determine whether or not the petition is signed by the required number of landowners owning the required acreage, and whether or not the proposed boundaries as described in the petition are acceptable to it. If the directors find that the petition is sufficient, they shall approve the petition and make an order to that effect.

Insufficient petitions

9296. If the petition is found to be insufficient the board of directors shall defer action on the petition and request that the proponents correct the insufficiencies.

9297. If the proponents cannot correct the insufficiencies of the petition within 60 days the board of directors shall deny the petition.

Hearing

9298. Upon the making of an order approving the petition, the directors shall fix a time and place of hearing on the petition, and shall cause notice of the hearing to be published in the manner and for the time provided for publication of notice of hearing on formation of the district.

Notice

9299. The notice shall state the purpose of the petition, the time and place of hearing, and describe the boundaries of the tract or tracts proposed to be included in the district. The notice shall state that the report of the county boundary commission is favorable and shall notify all interested persons to appear at the hearing and state their objections.

Time of hearing

9300. The time of hearing shall be the time of the next regular meeting of the directors following the expiration of the time required for publication of the notice. The place of hearing shall be the place of regular meeting of the directors.

Hearing

9301. The directors shall hear the petition and objections thereto at the time and place specified or at such other time or place to which the directors may adjourn the hearing.

Request land inclusion or exclusion

9302. Any person may request in writing or appear and ask that his lands be excluded from the proposed addition to the district. Any person may request in writing or appear and ask that his lands be included if those lands be outside of but within the general area of the proposed addition to the district.

Action

9303. The directors shall grant such exclusions and may grant such additions to the proposed addition to the district as are requested, and which, in the opinion of the board, will be of general benefit.

Change of boundaries

9304. If the petition is granted the directors shall make and enter in their minutes an order changing the boundaries of the district. A copy of the order shall be filed with the county recorder of each county in which any portion of the district is situ-

ated and certified copies of the order shall be transmitted to the commission and to the Secretary of State.

New boundaries

9305. From and after the entry of the order in the minutes of the directors the district with its new boundaries constitutes the district for all purposes.

Inclusion of tracts

9306. In addition to the authority granted in Section 9290 to request the inclusion of a tract in the district not less than 25 landowners, or 51 percent if there are less than 50 landowners in the proposed area, may petition the board of supervisors of the principal county requesting the inclusion of the tract in the district. The petition shall describe the boundaries of the tract proposed to be included.

Supervisors acting in lieu of directors

9307. The provisions of Sections 9280 to 9303, inclusive, shall apply whenever a proposal and petition is presented pursuant to Section 9306, except that the board of supervisors shall act in the place of the directors.

Inclusion of land

9308. If the board of supervisors determines that the inclusion of the lands sought to be included is for the best interests of the district and will be of benefit to the lands included, the board shall approve the petition and transmit it and a copy of the resolution of approval to the directors.

Special election

9309. Upon receipt of the approved petition from the board of supervisors, the board of directors shall call a special election or include their proposal in a general election if such general election is to be held within 60 days in the area proposed to be included on the question of inclusion.

Propositions

9310. At the special election, the proposition voted upon shall be "For inclusion of lands" and "Against inclusion of lands" or words equivalent thereto. The election shall otherwise be noticed and held to conform to the provisions relating to the elections on formation.

Notice

9311 The notice of the election shall describe the lands sought to be included.

Voters

9312. Any elector residing in the area proposed to be included may vote at an election on the inclusion thereof. If a majority of votes cast are against inclusion, the board of directors shall deny the petition. If the majority of the votes cast are in favor of inclusion the board of directors shall grant the petition

Granted petition

9313. If the petition is granted the board of directors shall make and enter on their minutes an order changing the boundaries of the district. A copy of the order shall be filed with the county recorder of each county in which any portion of the district is situated and certified copies of the order shall be transmitted to the commission and to the Secretary of State.

Constituted district

9314. From and after the entry of the order in the minutes of the board of directors the district with its new boundaries constitutes the district for all purposes.

Inclusion of land

9315. In addition to the authority granted in Sections 9291 to 9314, inclusive, if one or more landowners request the inclusion of land owned by them, which land is contiguous to the district, the board of directors shall determine if the inclusion

of such land is for the best interest of the district, and if so include the land.

Boundaries changed

9316. If the inclusion is granted the board of directors shall make and enter on their minutes an order changing the boundaries of the district. A copy of the order shall be filed with the county recorder of each county in which any portion of the district is situated and certified copies of the order shall be transmitted to the commission and to the Secretary of State.

New boundaries constitute district

9317. From and after the entry of the order in the minutes of the board of directors the district with its new boundaries constitutes the district for all purposes.

Article 10.3. Ultimate Boundaries of District

Recommendation for expansion.

9318. At any time prior to the inclusion of additional lands into a district, the board of directors may submit a recommendation and map to the county boundary commission of each county in which any portion of the recommended area lies and to the State Soil Conservation Commission showing the ultimate boundaries to which the original district should logically expand.

Public hearing

Notice

9318.1. The county boundary commission shall consider the recommended area of expansion and shall hold a public hearing with respect thereto. Notice of such hearing shall be sent to each landowner within the recommended ultimate boundaries by registered mail at least 10 days prior to the date set for such hearing.

Boundaries compared

9318.2. In considering the recommended area of expansion the county boundary commission shall compare the boundaries of the area proposed to be included with those of other soil conservation districts within the county, and shall ascertain the extent to which overlapping or conflicting boundaries may result, and may consider any factors that it may regard inimical to public interest.

Report

9318.3. The county boundary commission shall file its report and recommendations on the area of expansion with the board of directors of the district and a copy furnished to the State Soil Conservation Commission.

Public hearing

Notice

9318.4. The State Soil Conservation Commission shall, concurrently with the consideration by the county boundary commission, hold a public hearing with respect to the recommended area of expansion, particularly with reference to the location of boundaries and the practicability and feasibility of effecting the soil conservation program of the district in the area of expansion. Notice of such hearing shall be sent, either by the board of directors of the district or the county boundary commission, to each landowner within the recommended ultimate boundaries by registered mail at least 10 days prior to the date set for such hearing. The commission shall file its report and recommendations with the board of directors as soon as practicable and shall furnish a copy to the county boundary commission of each county in which any portion of the recommended area lies.

9318.5. Upon approval of the recommended ultimate boundaries to which the district should logically expand, or concurrence on the ultimate district boundaries, by the county boundary commission and the State Soil Conservation Commission, proposals for the inclusion of additional lands, within the the ultimate boundaries, may be submitted to the board of directors of the district. The approval of, or concurrence in, the recommended ultimate boundaries by the two commissions shall be completely without legal or other effect, except that if one or more landowners within the recommended ultimate boundaries of the district, whether contiguous or noncontiguous, request the inclusion of land owned by them, the board shall without a hearing determine if the inclusion of such land is for the best interest of the district, and if so, include the land without other proceedings. Land included

Article 10.5. Exclusion of Land

9319. Territory which becomes subdivided, which territory is a part of a district, may, when a final map or record of survey map thereof has been recorded or filed in full compliance with the Subdivision Map Act with the county in which such territory is located, be excluded from the district by joint action of the district board and of the board of supervisors of the principal county of the district. Subdivided territory excluded

Article 11. Dissolution

9320. A district may be dissolved by the board of supervisors of the principal county as provided in this article. Dissolution

9321. A petition requesting dissolution of a district and signed by not less than 100 landowners of the district, or 51 percent if there are less than 200 landowners in the district, may be presented to the board. Petition.

9322. The board shall determine the sufficiency of the petition and may refer it for certification to the assessor or assessors, who shall certify it in the manner provided for in proceedings on organization. Sufficiency

9323. If the board determines that the petition is insufficient it shall deny it. Otherwise it shall fix a time and place for hearing on the petition. Insufficiency

9324. If the petition is found sufficient, the board shall cause to be published a notice of the time and place of hearing on the petition. The time of hearing shall be the time of the next regular meeting of the board after the completion of publication of the notice and the date shall be specified in the notice. Notice of hearing

9325. The notice shall be published at least once a week for two successive weeks in a newspaper of general circulation published in the principal county and also in some newspaper of general circulation published in each other county in which any part of the district lies.

Informing commission

9326. The board shall transmit to the commission a notice of the receipt of the petition and a copy of the notice of hearing on the petition. The commission shall advise the board as to the judgment of the commission regarding the proposed dissolution.

Hearing

9327. At the hearing the board shall hear and consider all evidence and testimony in favor of or in opposition to dissolution, and shall consider the advice of the commission

Petition denial

9328. If the board denies the petition its action is final.

Dissolution election

9329. If the board does not deny the petition it shall cause an election to be held in the district on the question of dissolution. The election shall be noticed, conducted, and the results determined in the manner provided for elections on formation of districts, except that the ballot shall contain the propositions "For dissolution of district" and "Against dissolution of district" or words equivalent thereto.

Voters

9330. Any landowner residing in the district may vote at an election under this article

Requisite votes

9331. If at the election less than 51 percent of the votes cast are in favor of dissolution the board shall declare the election lost and enter an order to that effect and denying the petition.

9332. If at the election 51 percent or more of the votes cast are in favor of dissolution the board shall make and enter an order declaring the district dissolved and thereupon the district is dissolved.

Dissolution

9333. The board of supervisors of the principal county shall wind up the affairs of a dissolved district and may do anything necessary to accomplish that purpose.

Obligations

9334. If, upon dissolution, there are any outstanding obligations of the district the board of supervisors of the principal county shall determine the amount of the assessments required to be levied to pay such outstanding obligations The board of supervisors of each county in which any part of the district lies shall levy assessments sufficient to pay the outstanding obligations.

Property disposal

9335. Upon the completion of the winding up of the affairs of a district the real property of a district shall become the property of the county in which it is situated. The personal property belonging to the district shall be sold by the board of supervisors of the principal county and the proceeds of such sale and any other money of the district remaining after the payment of all of the obligations of the district shall be paid to the general funds of each of the counties in which any part of the district lies in the proportion which the assessed value of the land in the county bears to the total assessed value of all of the land within the district as determined by the assessment rolls.

CHAPTER 4. DISTRICT FINANCE

Article 1. Regular Assessments

9350. The directors, on or before the fifteenth day of August of each year, shall furnish the auditor and the board of supervisors an estimate in writing of the amount of money to be raised by assessment which is needed for the purposes of the district for the next ensuing fiscal year. Estimate

9351. If the district lies in more than one county the directors shall divide the amount of the estimate in the proportion to the value of the land in the district lying in each county. The value shall be determined from the last assessment rolls of the counties. The directors shall furnish the auditors and boards of supervisors of each of the respective counties a statement of the part of the estimate apportioned to the county. Determination of value

9352. The total amount of the estimate shall be sufficient to raise the amount of money necessary during the ensuing year to pay the incidental expenses of the district, the costs of the work which the directors may deem advisable to be done during the ensuing year, the estimated costs of repairs to and maintenance of the property and works of the district, and the estimated expenses of any action or proceeding to which the district is or may be a party, including the cost of employing engineers and attorneys. Sufficiency

9353. Assessments levied pursuant to this article shall be known as regular assessments. Regular assessments

9354. The regular assessment in any one year shall not exceed two cents ($0.02) on each one hundred dollars ($100) of assessed valuation of the land, exclusive of improvements and mineral rights, within the district. The valuation shall be determined according to the last assessment roll, reduced proportionately when mineral rights are involved. Valuation

9355. The board of supervisors of each county in which there lies any portion of the district shall, annually, at the time of levying county taxes, levy an assessment on the land exclusive of improvements and mineral rights, within the county and within the district to be known as the "_____ (name of district) soil conservation district assessment," sufficient to raise the amount reported to them in the estimate of the directors; provided, however, that no single assessment levied hereunder against any single municipal or public utility landowner shall be in excess of ten dollars ($10) in any year. Levy

9356. The board shall determine the rate of assessment by deducting 15 percent for anticipated delinquencies from the total assessed value of the land in the district and in the county and then dividing the sum required to be raised by the remainder of the total assessed value If a fraction of a cent occurs in a valuation of one hundred dollars ($100) it shall be taken as a full cent. Rate

9357. If the board fails to levy the assessment the auditor of the county shall do so, providing the directors have requested the assessment. Failure to pay

Entry on roll

9358. The assessment shall be computed and entered on the assessment roll by the auditor.

Incorporated provisions

9359. The provisions of law relating to the levy and collection of county taxes and the duties of county officers with respect thereto, insofar as they are applicable and not in conflict with this chapter, are hereby adopted and made part of this chapter. Said officers are liable on their several official bonds for the faithful discharge of their duties under this chapter.

Payments to principal county treasurer

9360. The treasurers of each of the counties, other than the principal county, shall, not less than twice a year or upon order of the directors, settle with the directors and pay to the treasurer of the principal county all money belonging to the district and in their possession.

Use of general funds

9361. If during the current fiscal year the directors are not, by reason of the fact that no assessment has been levied, collecting a regular assessment levied during the year immediately preceding, then notwithstanding other provisions of this code, the board of supervisors in each county in which a soil conservation district, or a portion thereof is located may, upon a showing by the directors that funds are needed for the purposes of the district for the current year, appropriate money from the general fund of the county for the use of said district in an amount equal, during any one year, to the amount which said district could have raised by assessment, as limited by this code, in said current year, or so much thereof as may be required. This provision shall not be deemed to prohibit the board of supervisors from appropriating to such districts sums in excess of these amounts.

Article 2. District Fiscal Procedure

Depository of funds

9400. The treasury of the principal county is the depository of all of the funds of the district.

9401. The treasurer of the principal county shall receive and receipt for all money of the district and place the same to the credit of the district. He is responsible on his official bond for the safekeeping and disbursement, in the manner provided in this article, of the money of the district held by him.

Warrants

9402. The treasurer shall pay out money of the district only upon warrants of the county auditor, drawn upon order of the board of directors signed by the president and attested by the secretary.

Financial reports

9403. The treasurer shall report in writing at each regular meeting of the directors and as often at other times as the directors may request the amount of money on hand, and the receipts and disbursements since his last report. The report shall be verified and filed with the secretary.

Incurring liabilities

9404. The directors or other officers or employees of a district shall have no power to incur any indebtedness or liability in excess of the amount of money available under the provisions of this division. Any debt or liability incurred in excess of the express provisions of this division is void. Except, however, that nothing in this section shall prevent the directors from

borrowing from such federal, state, county, public or private funds which are, or which may in the future become, available to the directors for the furthering of the work of the district in any manner or by the sale of bonds payable solely from any revenue of the district, if the assets acquired by such a loan or bond constitute the entire security for the loan or bond and if no indebtedness or liability is incurred by the directors in excess of the amount of the assets acquired.

Annual financial statement:

9405. The directors at their regular monthly meeting in July of each year shall make and file with the secretary a verified statement of the financial condition of the district showing particularly the receipts and disbursements of the preceding calendar year together with the source of the receipts and the purposes of the disbursements.

Publication

9406. The annual financial statement shall be posted or published as the directors may determine. Such posting or publication shall be commenced within 10 days after the financial statement is filed with the secretary. If it is posted it shall be posted at the place of regular meeting of the directors and copies thereof shall be made available for delivery to any landowner in the district upon his request to the secretary. If the statement is published, it shall be published at least once a week for two successive weeks in a newspaper of general circulation in the principal county and also in some newspaper of general circulation published in each other county in which any part of the district lies.

Chapter 5. Consolidation of Districts

Consolidation

9500. Any two or more contiguous districts, or districts situate within the same geophysical area, organized under this division may consolidate in the manner prescribed in this chapter.

Petition

9501. When the board of directors finds it to the best interest of the district that it be consolidated with one or more other districts organized under this division, it may, and when a petition for consolidation is filed with the board of directors signed by the same number of petitioners representing the same amount of land, if any, as is required for the petition of organization of a district, it shall, pass a resolution reciting its finding or receipt of the petition, as the case may be.

Forwarding copies

9502. A copy of the resolution shall be forwarded to the board of supervisors of the principal county of the district, to the board of directors of each of the other districts with which consolidation is proposed, to the board of supervisors of the principal county in each of the other districts with which consolidation is proposed is situated, and to the commission.

Special election

9503. If the board of directors of each of the districts with which consolidation is proposed adopts a resolution declaring its willingness to consolidate, or reciting the filing of a petition for consolidation, and forwards copies of the resolution as provided in Section 9502, the board of supervisors of the county

in which all or the greatest portion of the lands of the proposed consolidated district are situated, shall call a special election at which there shall be submitted to the landowners of the districts proposed to be consolidated the question whether or not the districts shall be consolidated.

Election of directors

9504. At the election there shall be elected five directors of the consolidated district who shall so serve if the consolidation is approved at the election.

9505. Directors shall be nominated and the election conducted as nearly as practicable in conformity with the provision of this division relating to the formation of districts

Canvass

9506. The board of supervisors of each county shall canvass the returns of the election and certify the results to the board of supervisors of the county in which is situated all or the greatest portion of the lands of the proposed consolidated district.

Name

9507. If a majority of the votes cast in each district is in favor of consolidation, the board of supervisors of the county in which all or the greatest portion of the lands of the proposed consolidated district is situated shall declare by resolution entered on its minutes that the districts are consolidated into one district, and give it a name

Filing of resolution

9508. The board of supervisors shall cause the certified copy of the resolution of consolidation to be recorded in the office of the county recorder of each of the counties in which any portion of the consolidated district is situated and shall file a certified copy of the resolution with the commission and with the Secretary of State, and shall furnish a copy of the resolution to each of the boards of directors of the districts consolidated. From and after the filing of the resolution with the Secretary of State, the consolidated district will be deemed formed as a single district, with all of the rights, privileges and powers of a district.

Certificate of election

9509. The county clerk of the county in which is situated the greatest portion of the consolidated district shall, upon their election, execute and deliver to each person elected as a director of the consolidated district a certificate of election.

Oath of office

9510. The directors elected at the consolidation election shall qualify by taking the oath of office. The directors so elected and qualified shall take office and organize themselves as a board of directors in the manner prescribed for organization of directors of newly formed districts.

Winding up old districts

9511. Within 30 days of the filing of the resolution of consolidation with the Secretary of State, the board of directors of each of the districts consolidated shall hold a final meeting to wind up the affairs of their respective districts and all records, documents, property, funds, obligations, and other possessions of the district shall be transferred, delivered, granted, or assigned to the consolidated district. At the adjournment of the final meeting, the district shall cease to exist.

CHAPTER 5.5. PARTITION OF DISTRICTS

9540. When a petition for a partition is filed with the board of directors signed by the same number of petitioners representing the same amount of land, if any, as is required for the petition of organization of a district, it shall pass a resolution reciting receipt of the petition, together with proposed partition lines and names for each of the partitioned districts. Receipt of petition Resolution

9541. A copy of the resolution shall be forwarded to the board of supervisors of the principal county of the district and to the board of supervisors of each other county in which any portion of the district is situated, and to the commission. Copy forwarded

9542. The board of supervisors first shall request the commission to investigate the proposed partition, particularly with reference to the location of boundaries and the practicability and feasibility for effecting a soil and water conservation program in each of the partitions within the provision of this division Investigation

9543. The commission shall make the requested investigation and report thereon as soon as practicable and a copy furnished the county boundary commission, and the district. Report

9544. Upon receipt of the report of the State Soil Conservation Commission the board of supervisors shall submit the proposed partition to the county boundary commission of each county in which any part of the district is located. Submission to boundary commission

9545. The county boundary commission shall consider the proposed partition and shall hold a public hearing with respect thereto. Public hearing

9546. In considering such a proposal, the county boundary commission shall compare the proposed partition boundaries with those of other districts within the county and shall ascertain the extent to which overlapping or conflicting boundaries may result from the proposal, and may consider any factors that it may regard inimical to the public interest. Boundaries compared

9547. Within 30 days after the submission of each proposal to it, the county boundary commission shall make its report and recommendations with respect thereto. This report shall be filed with the board of supervisors to which the proposal was submitted and a copy furnished the district and the State Soil Conservation Commission. Report, recommendations

9548. Within 30 days after receiving the report of the county boundary commission on a proposed partition, the board of supervisors shall consider the matter and set a time and place for a public hearing on the partition which shall be conducted in accordance with the procedure outlined in Article 3 of Chapter 3 of this division. Public hearing

9549. Upon the making of an order granting the partition of a district, the board of supervisors of the county in which all or the greatest portion of the lands of the original district are situated, shall call a special election at which there shall be submitted to the landowners of the district the question whether or not the district shall be partitioned and for the Special election

election of the first board of directors of each of the partitioned districts Such election to be conducted as nearly as practicable in conformity with Article 4 of Chapter 3 of this division, except that the partition must be approved by a majority of the landowners in each of the districts proposed to be created by the partition.

Resolution of partition recorded

9550. The board of supervisors shall cause a certified copy of the resolution declaring the district partitioned to be recorded in the office of the county recorder of each of the counties in which any portion of the partitioned districts is situated and shall file a certified copy of the resolutions with the commission and with the Secretary of State, and shall furnish a copy of the resolution to each of the boards of directors of the partitioned districts and to the original district. From and after the filing of the resolution with the Secretary of State, the partitioned districts will be deemed formed, with all the rights, privileges and powers of a district.

Directors

9551. The directors elected at the partition election shall qualify by taking the oath of office. The directors so elected and qualified shall take office and organize themselves as their respective boards of directors in the manner prescribed for organization of directors of newly formed districts. Until all of the directors of each of the new districts shall have been so organized, the original district shall continue in being.

Ownership of property

9552. Each new district shall succeed to the ownership of all real property of the original district situated within each of the new districts.

9553. All other property and assets of the original district shall be apportioned among the new districts in such proportion to the current assessed value of all property which is taxable for district purposes within the new district, as they bear to the total assessed value of all property which is taxable for district purposes within the original district. Any obligations of the original district shall be borne by the new districts in like proportions, unless otherwise apportioned by mutual agreement.

Winding up old district

9554. Within 30 days of the qualification and organization of all the boards of directors of the partitioned districts, the board of directors of the original district shall hold a final meeting to wind up the affairs of the district and all records, documents, property, funds, obligations, and other possessions of the district shall be transferred, delivered, granted, or otherwise assigned to the respective partitioned districts. At the adjournment of the final meeting, the positions of the directors of the original district shall be terminated.

CHAPTER 6. CHANGING NAME OF DISTRICT

Name changing

9600. A district may change its name by action of the board of supervisors of the principal county as provided by this article.

Resolution

9601. Whenever in the judgment of the board of directors it is for the best interest of a district that its name be changed to a stated name, it may pass a resolution reciting such fact.

9602. A copy of the resolution shall be forwarded to the board of supervisors of the principal county with the request that the name of the district be changed to the stated name. Request to supervisors

9603. The board of supervisors of the principal county shall consider this request at their next regular meeting and may grant or deny the request. Their action shall be officially recorded in their minutes. Consideration of request

9604. If the action of the board of supervisors on this request is negative, they shall forward a copy of the resolution to the board of directors initiating the request. Negative action

9605. If the action of the board of supervisors on this request is favorable, they shall cause certified copies of the resolution to be forwarded to the board of directors initiating the request, the boards of supervisors of all the other counties in which any portion of the district lies, the State Soil Conservation Commission, and the Secretary of State Favorable action

9606. On acknowledgment of the change of name by the Secretary of State, the name of the district shall be considered changed. Acknowledgment by Secretary of State

CHAPTER 7. TRANSFERRING LANDS FROM ONE DISTRICT TO ANOTHER

9700. One district may transfer land within its boundaries to a district contiguous thereto in the manner prescribed in this chapter. Land transfers

9701. The proposal for the transfer of land from one district to another shall be submitted to the board of supervisors of the county in which all or the greatest portion of the land proposed to be transferred is situated. Proposal to supervisors

9702. The board of supervisors shall first request the commission to investigate the proposal particularly with reference to the location for boundaries and the practicability and feasibility for effecting a soil and water conservation program of those lands proposed to be transferred. Commission investigation

9703. The commission shall make the requested investigation and report to the board of supervisors thereon as soon as practicable.

9704. Upon receipt of the report the board of supervisors shall submit the proposal to the county boundary commission of each county in which land to be transferred is located.

9705. The county boundary commission shall consider the proposal and hold a public hearing with respect thereto if one is requested, and if, in the discretion of the chairman or a majority of the members of the county boundary commission, a hearing would be in the public interest. Hearing

9706. In considering the proposal, the county boundary commission shall compare the boundaries as proposed to be changed with the boundaries of soil conservation and other districts within the county, and shall ascertain the extent to which overlapping or conflicting boundaries may result from the pro- Considerations

posal, and may consider any factors that it may regard inimical to the public interest.

Boundary commission report

9707. Within 30 days after the submission of such a proposal, the county boundary commission shall make its report and recommendation with respect thereto. This report shall be filed with the board of supervisors and a copy furnished to the proponents of the proposal, the district affected, and the soil conservation commission.

Recommendations

9708. Within 30 days after receiving the report of the county boundary commission, the board of supervisors shall consider the proposal and advise the proponents thereof in writing of any changes in the proposed boundaries believed to be in the public interest. The recommendations of the board of supervisors or its findings that the proposed boundaries are satisfactory shall be accompanied by copies of the report from the county boundary commission, and the State Soil Conservation Commission. A copy of the board of supervisors' determination shall be sent to the county boundary commission and the soil conservation commission.

Modifications

9709 Upon receipt of the report, the proponents shall consider the recommendations of the board of supervisors and may make any modifications recommended by the county boundary commission or the board of supervisors.

Reconsideration

9710 If the proponents decline to accept any recommendations or modifications specified by the county boundary commission or the board of supervisors and file a statement of reasons therefor, the board of supervisors shall, within 10 days, reconsider the boundaries proposed by the proponents as to whether the boundaries are or are not acceptable. A copy of the reasons shall also be sent to the county boundary commission and to the State Soil Conservation Commission by the proponents.

Petition to transfer lands

9711. If the board of supervisors in its report finds that the proposed boundaries are satisfactory, or if the board of supervisors upon reconsideration finds that the boundaries are acceptable, the proponents may circulate a petition to transfer lands from one district to another.

Submission

9712 The petition for the transfer of lands from one district to another shall be submitted and heard in the manner prescribed in this division for the inclusion of lands in a district, except that the board of supervisors of the county in which all or the greatest portion of the land proposed to be transferred is located shall act in place of the board of directors.

Changing boundaries order

9713. If the petition is granted, the board of supervisors shall make and enter in their minutes an order changing the boundaries of their district. A copy of the order shall be filed with the county recorder of each county in which any portion of the districts affected is situated, and certified copies of the order shall be transmitted to the commission and to the Secretary of State.

Transfer effected

9714. From and after entry of the order on the minutes of the board of supervisors, the land shall be deemed transferred

from one district to the other, and shall constitute a part thereof as though it were originally included therein in the formation proceedings.

Outstanding obligations

9715. If, upon the transfer of lands from one district to another there are any outstanding obligations against land because of its being a part of the district from which it was transferred, the board of supervisors of the principal county of the former district shall determine the amount of the assessments required to be levied to pay those obligations and the board of supervisors of each county in which the lands transferred are located shall levy and collect assessments on the lands located therein sufficient to pay the obligations outstanding against that land.

CHAPTER 8. FEDERAL AID PROJECTS

Administration of authorized state plan

9801. In order to carry out the purposes of the Soil Conservation and Domestic Allotment Act enacted by the Congress of the United States, the State Soil Conservation Commission (hereinafter referred to as "commission") is hereby designated as the agency of the State of California to administer any state plan authorized by this chapter which shall be approved by the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary of Agriculture") for the State of California pursuant to the provisions of the Soil Conservation and Domestic Allotment Act.

State plan

9802. The commission is hereby authorized, empowered and directed to formulate and submit to the Secretary of Agriculture, in conformity with the provisions of the Soil Conservation and Domestic Allotment Act, a state plan for each calendar year beginning with the year 1949. It shall be the purpose of each such plan to promote such utilization of land and such farming practices as the commission finds will tend, in conjunction with the operation of such other plans as may be approved for other states by the Secretary of Agriculture, to preserve and improve soil fertility, promote the economic use of land, diminish the exploitation and wasteful and unscientific use of natural soil resources, and re-establish and maintain the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms as defined in subsection (a) of Section 7 of the Soil Conservation and Domestic Allotment Act. Each such plan shall provide for adjustments in the utilization of land and in farming practices, through agreements with producers or through other voluntary methods, and for benefit payments in connection therewith and also for such methods of administration not in conflict with any law of this State and such reports as the Secretary of Agriculture finds necessary for the effective administration of the plan and for ascertaining whether the plan is being carried out according to its terms.

Receipt of money

9803. Upon the acceptance of each such plan by the Secretary of Agriculture, the commission is authorized and empowered to accept and receive all grants of money made pursuant to

the Soil Conservation and Domestic Allotment Act for the purpose of enabling the State to carry out the provisions of such plan, and all such funds, together with any moneys which may be appropriated by the State for such purpose, shall be available to the commission for expenditures necessary in carrying out the plan, including administrative expenses, expenditures in connection with educational programs in aid of the plan, and benefit payments.

Powers

9804. In carrying out the provisions of each such plan, the commission shall have power: to employ such agents or agencies, and to establish such agencies, as it may find to be necessary; to cooperate with local and state agencies and with agencies of other states and of the Federal Government; to conduct research and educational activities in connection with the formulation and operation of such plan; to enter into agreements with producers, and to provide by other voluntary methods, for adjustments in the utilization of land and in farming practices, and for payments in connection therewith in amounts which the commission determines to be fair and reasonable.

Delegation

9805. For the purpose of carrying out each such plan according to its terms, the commission is hereby authorized to delegate any of the powers herein conferred to such agents or agencies as may be designated by the commission and approved by the Secretary of Agriculture.

Annual report

9806. The commission shall render for each year an annual report to the Governor, who shall transmit a copy thereof to each house of the Legislature, covering its administration of such plan and all operations thereunder, including also the expenditure of funds, and each such report shall be printed as a public document promptly upon its transmittal to the Governor.

Liability limitation

9807. Nothing herein shall be construed or operate to impose any obligation or liability upon the commission or other than as herein specified.

Restatement, etc., of existing law

SEC. 3 The Division 9 of the Public Resources Code added by this act, insofar as it is substantially the same as the Division 9 of that code repealed by this act, shall be construed as a restatement and continuation of the existing law and not as a new enactment.

Employees tenure, etc unaffected

SEC. 4. All persons who, at the time this act goes into effect, hold office under the Division 9 of the Public Resources Code repealed by this act, and whose offices are continued by the Division 9 of the Public Resources Code added by this act, shall continue to hold their offices according to the former tenure thereof the same as though the Division 9 of the Public Resources Code repealed by this act had not been repealed.

Prior actions unaffected

SEC. 5. No action or proceeding relating to or arising out of the Division 9 of the Public Resources Code repealed by this act commenced before the effective date of this act, and no right accrued, pursuant to that division, is affected by the provisions of this act, but any step thereafter taken in such action or proceeding shall conform to the provisions of this code so far as possible.

CHAPTER 1211

An act to amend Section 17786, 17813, 17817, 25121a, and 25121c of, and to add Sections 17314.5, 17314.7, 17784.7 17784.9, 24121i.1, 24121i.2, 25101a.1, and 25101a.2 to, the Revenue and Taxation Code, relating to personal income and bank and corporation taxation, to take effect immediately.

[Approved by Governor June 18, 1953. Filed with Secretary of State June 19, 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. Basis for mine depletion

SEC. 2. Section 17817 of said code is amended to read:

17817. The allowance for depletion under Section 17314 shall be: Depletion allowance

(a) In the case of sand, gravel, slate, stone (including pumice and scoria), brick and tile clay, shale, oyster shell, clam shell, granite, marble, sodium chloride, and, if from brine wells, calcium chloride, magnesium chloride, and bromine, 5 percent;

(b) In the case of coal, asbestos, brucite, dolomite, magnesite, perlite, wollastonite, calcium carbonates, and magnesium carbonates, 10 percent;

(c) In the case of metal mines, aplite, bauxite, fluorspar, flake graphite, vermiculite, beryl, garnet, feldspar, mica, talc (including pyrophyllite), lepidolite, spodumene, barite, ball clay, sagger clay, china clay, phosphate rock, rock asphalt, trona, bentonite, gilsonite, thenardite, borax, fuller's earth, tripoli, refractory and fire clay, quartzite, diatomaceous earth, metallurgical grade limestone, chemical grade limestone, and potash, 15 percent;

(d) In the case of sulfur, 23 percent;

of the gross income from the property during the taxable year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property.

The allowance shall not exceed 50 percent of the net income of the taxpayer (computed without allowance for depletion) from the property, except in no case shall the depletion allowance under Section 17314 be less than it would be if computed without reference to this section.

SEC. 3. Section 17314.5 is added to said code, to read:

Deduction for development expenses

17314.5. (a) Except as provided in subdivision (b), in computing net income there shall be allowed as a deduction all expenditures paid or incurred during the taxable year for the development of a mine or other natural deposit (other than an oil or gas well) if paid or incurred after December 31, 1952, and after the existence of ores or minerals in commercially marketable quantities has been disclosed.

This section shall not apply to expenditures for the acquisition or improvement of property of a character which is subject to the allowance for depreciation provided in Section 17313, but allowances for depreciation shall be considered, for the purposes of this section, as expenditures.

Deferred expenses

(b) At the election of the taxpayer, made in accordance with regulations prescribed by the Franchise Tax Board, expenditures described in subdivision (a) paid or incurred during the taxable year shall be treated as deferred expenses and shall be deductible on a ratable basis as the units of produced ores or minerals benefited by such expenditures are sold. In the case of such expenditures paid or incurred during the development stage of the mine or deposit, the election shall apply only with respect to the excess of such expenditures during the taxable year over the net receipts during the taxable year from the ores or minerals produced from such mine or deposit. The election must be for the total amount of such expenditures, or the total amount of such excess, as the case may be, with respect to the mine or deposit, and shall be binding for such taxable year.

(c) The amount of expenditures which are treated under subdivision (b) as deferred expenses shall be taken into account in computing the adjusted basis of the mine or deposit, except that such amount, and the adjustments to basis provided in Section 17784.7, shall be disregarded in determining the adjusted basis of the property for the purpose of computing a deduction for depletion under Article 6 of Chapter 6 of this part.

SEC. 4. Section 17314.7 is added to said code, to read:

Exploratory expenses

17314.7. (a) In the case of expenditures paid or incurred during the taxable year for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral, and paid or incurred prior to the beginning of the development stage of the mine or deposit, in computing net income there shall be allowed as a deduction so much of such expenditures as does not exceed seventy-five thousand dollars ($75,000).

Application

This section shall apply only with respect to the amount of such expenditures which, but for this section, would not be allowable as a deduction for the taxable year.

Exemptions

This section shall not apply to expenditures for the acquisition or improvement of property of a character which is subject to the allowance for depreciation provided in Section 17313, but allowances for depreciation shall be considered, for the purposes of this section, as expenditures paid or incurred.

In no case shall this section apply with respect to amounts paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of oil or gas.

(b) If the taxpayer elects, in accordance with regulations prescribed by the Franchise Tax Board, to treat as deferred expenses any portion of the amount deductible for the taxable year under subdivision (a), such portion shall not be deductible under subdivision (a) but shall be deductible on a ratable basis as the units of produced ores or minerals discovered or explored by reason of such expenditures are sold. An election made for any taxable year shall be binding for such year.

(c) This section shall not apply to any amounts paid or incurred in any taxable year if in any four preceding years the taxpayer, or any individual or corporation who has transferred to the taxpayer any mineral property under circumstances which make the provisions of Sections 17751, 17754, 25071e, 25071f, 25071i, 25071*l*, 25071n, 25071p, or 25071q applicable to such transfer, has either (1) been allowed a deduction under subdivision (a) of this section or (2) made the election provided under subdivision (b) of this section.

(d) The amount of expenditures which are treated under subdivision (b) as deferred expenses shall be taken into account in computing the adjusted basis of the mine or deposit, but such amounts, and the adjustments to basis provided in Section 17784 9 shall be disregarded in determining the adjusted basis of the property for the purpose of computing a deduction for depletion under Article 6 of Chapter 6 of this part.

SEC. 5. Section 17784.7 is added to said code, to read:

Adjustments

17784.7. Proper adjustment shall be made for amounts allowed as deductions as deferred expenses under subdivision (b) of Section 17314.5 (relating to certain expenditures in the development of mines) and resulting in a reduction of the taxpayer's tax, but not less than the amounts allowable under such section for the taxable year and prior years.

SEC 6. Section 17784 9 is added to said code, to read:

17784 9. Proper adjustment shall be made for amounts allowed as deductions as deferred expenses under subdivision (b) of Section 17314.7 (relating to certain exploration expenditures) and resulting in a reduction of the taxpayer's tax, but not less than the amounts allowable under such section for the taxable year and prior years.

SEC. 7. Section 17786 of said code is amended to read:

Adjustment in substituted basis

17786. Whenever it appears that the basis of property in the hands of the taxpayer is a substituted basis, the adjustments provided in Sections 17782 to 17784 9, inclusive, shall be made after first making in respect of such substituted basis proper adjustments of a similar nature in respect of the period during which the property was held by the transferor, donor, or grantor, or during which the other property was held by the person for whom the basis is to be determined. A similar rule shall be applied in the case of a series of bases.

SEC. 8. Section 25121a of said code is amended to read:

Mines discovered after 1913 Basis for depletion

25121a. In the case of mines (except mines in respect of 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. 9. Section 25121c of said code is amended to read:

Depletion allowance

25121c. The allowance for depletion under Section 24121i shall be:

(a) In the case of sand, gravel, slate, stone (including pumice and scoria), brick and tile clay, shale, oyster shell, clam shell, granite, marble, sodium chloride, and, if from brine wells, calcium chloride, magnesium chloride, and bromine, 5 percent;

(b) In the case of coal, asbestos, brucite, dolomite, magnesite, perlite, wollastonite, calcium carbonates, and magnesium carbonates, 10 percent;

(c) In the case of metal mines, aplite, bauxite, fluorspar, flake graphite, vermiculite, beryl, garnet, feldspar, mica, talc (including pyrophyllite), lepidolite, spodumene, barite, ball clay, sagger clay, china clay, phosphate rock, rock asphalt, trona, bentonite, gilsonite, thenardite, borax, fuller's earth, tripoli, refractory and fire clay, quartzite, diatomaceous earth, metallurgical grade limestone, chemical grade limestone, and potash, 15 percent;

(d) In the case of sulfur, 23 percent;

of the gross income from the property during the income year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property.

Such allowance shall not exceed 50 percent of the net income of the taxpayer (computed without allowance for depletion) from the property except that in no case shall the depletion allowance under Section 24121i be less than it would be if computed without reference to this section.

SEC. 10. Section 24121i.1 is added to said code, to read:

24121i.1. (a) Except as provided in subdivision (b), in computing net income there shall be allowed as a deduction all expenditures paid or incurred during the income year for the development of a mine or other natural deposit (other than an oil or gas well) if paid or incurred after December 31, 1951, and after the existence of ores or minerals in commercially marketable quantities has been disclosed

Deductions for development expenses

This section shall not apply to expenditures for the acquisition or improvement of property of a character which is subject to the allowance for depreciation provided in Section 24121g, but allowances for depreciation shall be considered, for the purposes of this section, as expenditures.

(b) At the election of the taxpayer, made in accordance with regulations prescribed by the Franchise Tax Board, expenditures described in subdivision (a) paid or incurred during the income year shall be treated as deferred expenses and shall be deductible on a ratable basis as the units of produced ores or minerals benefited by such expenditures are sold In the case of such expenditures paid or incurred during the development stage of the mine or deposit, the election shall apply only with respect to the excess of such expenditures during the income year over the net receipts during the income year from the ores or minerals produced from such mine or deposit. The election must be for the total amount of such expenditures, or the total amount of such excess, as the case may be, with respect to the mine or deposit, and shall be binding for such income year.

Election to treat as deferred expenses

(c) The amount of expenditures which are treated under subdivision (b) as deferred expenses shall be taken into account in computing the adjusted basis of the mine or deposit, except that such amount, and the adjustments to basis provided in Section 25101a.1, shall be disregarded in determining the adjusted basis of the property for the purpose of computing a deduction for depletion under Article 5 of Chapter 8 of this part.

SEC. 11. Section 24121i.2 is added to said code, to read:

24121i.2. (a) In the case of expenditures paid or incurred during the income year for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral, and paid or incurred prior to the beginning of the development stage of the mine or deposit, in computing net income there shall be allowed as a deduction so much of such expenditures as does not exceed seventy-five thousand dollars ($75,000).

Exploratory expenses

This section shall apply only with respect to the amount of such expenditures which, but for this section, would not be allowable as a deduction for the income year.

Exceptions

This section shall not apply to expenditures for the acquisition or improvement of property of a character which is subject to the allowance for depreciation provided in Section 24121g, but allowances for depreciation shall be considered, for the purposes of this section, as expenditures paid or incurred.

In no case shall this section apply with respect to amounts paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of oil or gas.

(b) If the taxpayer elects, in accordance with regulations prescribed by the Franchise Tax Board, to treat as deferred expenses any portion of the amount deductible for the income year under subdivision (a), such portion shall not be deductible under subdivision (a) but shall be deductible on a ratable basis as the units of produced ores or minerals discovered or explored by reason of such expenditures are sold. An election made for any income year shall be binding for such year.

(c) This section shall not apply to any amounts paid or incurred in any income year if in any four preceding years the taxpayer, or any individual or corporation who has transferred to the taxpayer any mineral property under circumstances which make the provisions of Sections 17751, 17754, 25071e, 25071f, 25071i, 25071*l*, 25071n, 25071p, or 25071q applicable to such transfer, has either (1) been allowed a deduction under subdivision (a) of this section or (2) made the election provided under subdivision (b) of this section.

(d) The amount of expenditures which are treated under subdivision (b) as deferred expenses shall be taken into account in computing the adjusted basis of the mine or deposit, but such amounts, and the adjustments to basis provided in Section 25101a.2 shall be disregarded in determining the adjusted basis of the property for the purpose of computing a deduction for depletion under Article 5 of Chapter 8 of this part.

SEC. 12. Section 25101a 1 is added to said code, to read:

Adjustments

25101a.1. Proper adjustment shall be made for amounts allowed as deductions as deferred expenses under subdivision (b) of Section 24121i.1 (relating to certain expenditures in the development of mines) and resulting in a reduction of the taxpayer's tax, but not less than the amounts allowable under such section for the income year and prior years.

SEC. 13. Section 25101a.2 is added to said code, to read:

25101a.2. Proper adjustment shall be made for amounts allowed as deductions as deferred expenses under subdivision (b) of Section 24121i.2 (relating to certain exploration expenditures) and resulting in a reduction of the taxpayer's tax, but not less than the amounts allowable under such section for the income year and prior years.

Tax levy

SEC 14 This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

Applicable date

SEC. 15 This act shall be applied in the computation of taxes from and after January 1, 1953.

CHAPTER 1212

An act to add Section 37.5 to the San Francisco Bay Area Metropolitan Rapid Transit District Act (Chapter 1239, Statutes of 1949) and making an appropriation for the support of the San Francisco Bay Area Rapid Transit Commission.

[Approved by Governor June 18, 1953. Filed with Secretary of State June 19, 1953.]

In effect September 9, 1953

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

SECTION 1. The sum of four hundred thousand dollars ($400,000), or so much thereof as may be necessary, is hereby appropriated from the General Fund for expenditure by the San Francisco Bay Area Rapid Transit Commission in the making of preliminary studies necessary for the development of a coordinated master rapid transit plan for the San Francisco Bay area, such studies to include (a) those necessary for the formulation of a preliminary over-all regional economic plan, including population estimates, and (b) the origin and destination of interurban vehicular and transit passengers.

Appropriation San Francisco Bay area transit plan

SEC. 2. The Legislature hereby declares that the purpose of the appropriation made by this act is to implement two of four recommendations made by the San Francisco Bay Area Rapid Transit Commission to the Senate Interim Committee on Rapid Transit in the San Francisco Bay area, created by Senate Resolution 194 of the 1951 Regular Session; and that although the amount appropriated is not contingent upon the contribution of an equivalent amount by the nine Bay area counties affected, to wit, Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, San Mateo, Solano, and Sonoma, none of the money appropriated by Section 1 of this act shall be expended until those counties have first appropriated an additional three hundred fifty thousand dollars ($350,000) to enable the San Francisco Bay Area Rapid Transit Commission to carry out the remaining two recommendations of the commission, which involve (a) the development of a preliminary regional transit proposal broken down into phases with estimates of timing as to each, and (b) the preparation of final preliminary plans, the determination of costs, and revenue estimates for the initial phase of construction.

Purpose

SEC. 3. Section 37.5 is added to the San Francisco Bay Area Metropolitan Rapid Transit District Act, to read:

Sec. 37.5. Notwithstanding any other provision of this act, the district shall pay into the General Fund of the State an amount equal to that expended from any appropriation made to the San Francisco Bay Area Rapid Transit Commission by the Legislature at its 1953 Regular Session, 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, from proceeds of the first sale of any bonds issued by the district, and the proceedings for the authorization and issuance of such bonds shall include the amount so to be repaid.

District payment

CHAPTER 1213

An act to add Sections 9.1 and 3166.1 to the Civil Code, relating to business days and to the maturity and presentment of negotiable instruments.

In effect September 9, 1953

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

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

SECTION 1. Section 9.1 is added to the Civil Code, to read:

Business days

9.1. All other days than those mentioned in Section 7 are to be deemed business days for all purposes; provided, that as to any act appointed by law or contract, or in any other way, to be performed by, at, or through any bank organized under the laws of or doing business in this State, Saturday is a holiday and not a business day; and provided, that any act appointed by law or contract, or in any other way, to be performed on any day which is an optional bank holiday as defined in Section 3166.1 of this code, by, at, or through any bank or branch or office thereof, whether acting in its own behalf or in any other capacity whatsoever, may be performed on such optional bank holiday if the bank or branch or office thereof by, at or through which such act is to be performed is open for the transaction of business on such optional bank holiday, or, at the option of the person obligated to perform the act, it may be performed on the next succeeding business day which is not a Saturday.

Termination date

This section shall remain in effect until October 1, 1955. 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.

SEC. 2. Section 3166.1 is added to said code, to read:

Negotiable instruments Time of payment

3166.1. Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday, Saturday or a holiday, the instrument is payable on the next succeeding business day which is not a Saturday; provided, however, that where the day of maturity of the instrument falls on an optional bank holiday or the instrument would except for the foregoing provision be payable on an optional bank holiday and it is payable by or at a banking house or any branch or office thereof and the particular banking house or branch or office thereof by or at which the instrument is payable is open for the transaction of business on such optional bank holiday, the holder of the instrument may at his option present the same for payment at said banking house or branch or office thereof by or at which the same is payable on such optional bank holiday or on the next succeeding business day which is not a Saturday. An instrument payable on demand is not to be presented for payment on Sunday, Saturday, or a holiday but is to be presented for payment on the next succeeding business day

which is not a Saturday, except that where such instrument is payable by or at a banking house or any branch or office thereof and the particular banking house or branch or office thereof by or at which such instrument is payable is open for the transaction of business on an optional bank holiday, the holder of such instrument may at his option present the same for payment at said banking house or branch or office thereof by or at which the same is payable on such optional bank holiday or on the next succeeding business day which is not a Saturday. For the purpose of this section an optional bank holiday is every holiday referred to in Sections 6700 and 6701 of the Government Code of this State, except the following: January 1st, May 30th, July 4th and December 25th, any Monday following any Sunday on which any such day falls, the first Monday in September, Good Friday from 12 noon until 3 p.m., the Thursday in November appointed as Thanksgiving Day, and every Sunday.

Termination date

This section shall become effective September 10, 1953, and shall remain in effect until September 8, 1955 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 1214

An act to amend Section 220 of the Vehicle Code, relating to police reports of stolen and recovered vehicles.

[Approved by Governor June 18, 1953. Filed with Secretary of State June 19, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 220 of the Vehicle Code is amended to read:

Police reports of stolen, recovered, vehicles

220. Police Reports of Stolen and Recovered Vehicles. Every peace officer upon receiving a report based on reliable information that any vehicle registered hereunder has been stolen shall not later than 48 hours after receiving such information report such theft to the Department of California Highway Patrol unless prior thereto information has been received of the recovery of such vehicle. Any said officer upon receiving information that any vehicle, which he has previously reported as stolen, has been recovered, shall immediately report the fact of such recovery to said department.

CHAPTER 1215

An act to amend Section 680 of the Probate Code, relating to family allowances from the estate.

In effect September 9, 1953

[Approved by Governor June 18, 1953. Filed with Secretary of State June 19, 1953.]

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

SECTION 1. Section 680 of the Probate Code is amended to read:

Family allowance from estate

680. The widow, widower, minor children, and adult children who have been declared incompetent by order of court are entitled to such reasonable allowance out of the estate as shall be necessary for their maintenance according to their circumstances, during the progress of the settlement of the estate, which, in case of an insolvent estate, must not continue longer than one year after granting letters. Such allowance must be paid in preference to all other charges, except funeral charges, expenses of the last illness and expenses of administration, and may, in the discretion of the court or judge granting it, take effect from the death of the decedent.

CHAPTER 1216

An act to amend Section 439 of the Education Code, relating to the salary of superintendents of schools of counties of the thirty-ninth class.

In effect September 9, 1953

[Approved by Governor June 19, 1953. Filed with Secretary of State June 22, 1953.]

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

SECTION 1. Section 439 of the Education Code is amended to read:

Nevada County Superintendent of Schools Salary

439. The annual salary of the county superintendent of schools of a county of the thirty-ninth class is six thousand dollars ($6,000), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

CHAPTER 1217

An act to amend Section 2540 of, to repeal and add Sections 2540.4 and 2540.9 to, and to repeal Sections 2540.3 and 2540.5 of, the Elections Code, relating to the recognition and qualification of political parties.

In effect September 9, 1953

[Approved by Governor June 19, 1953. Filed with Secretary of State June 22, 1953.]

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

SECTION 1. Section 2540 of the Elections Code is amended to read:

2540. A party is qualified to participate in any primary election: Primary elections. Qualified parties

(a) If at the last preceding gubernatorial election there was polled for any one of its candidates who was the candidate of that party only for any office voted on throughout the State, at least 3 percent of the entire vote of the State, or for any one of its candidates who, upon the date of such gubernatorial election, as shown by the affidavits of registration of voters in the county of his residence, was affiliated with that party and who was the joint candidate of that party and any other party for any office voted on throughout the State, at least 6 percent of the entire vote of the State; or

(b) If on or before the one hundred thirty-fifth day before any primary election it appears to the Secretary of State as a result of examining and totaling the statement of voters and their political affiliations transmitted to him by the county clerks, that voters, equal in number to at least 1 percent of the entire vote of the State at the last preceding gubernatorial election, have declared their intention to affiliate with that party; or

(c) If on or before the one hundred thirty-fifth day before any primary election there is filed with the Secretary of State a petition signed by voters, equal in number to at least 10 percent of the entire vote of the State at the last preceding gubernatorial election, declaring that they represent a proposed party, the name of which shall be stated therein, which proposed party those voters desire to have participate in that primary election. This petition shall be circulated, signed, verified and the signatures of the voters thereon shall be certified to and transmitted to the Secretary of State by the county clerks substantially as provided for initiative petitions. Each page of the petition shall bear a caption in 18-point blackface type, which caption shall be the name of the proposed party followed by the words "Petition to participate in the primary election." No voters or organization of voters shall assume a party name or designation which is so similar to the name of an existing party as to mislead voters.

(d) Except that whenever the registration of any party which qualified in the previous direct primary election falls below one-tenth of 1 percent of the total state registration, that party shall not be qualified to participate in the primary election but shall be deemed to have been abandoned by the voters, since the expense of printing ballots and holding a primary election would be an unjustifiable expense and burden to the State for so small a group. The Secretary of State shall immediately remove the name of such party from any list, notice, ballot, or other publication containing the names of the parties qualified to participate in the primary election.

SEC. 1.5. Section 2540.4 of the Elections Code is repealed and a new Section 2540.4 is added to said code, to read:

2540.4. Notwithstanding any other provisions of this code, no party shall be recognized or qualified to participate in any Parties disqualified.

primary election which either directly or indirectly carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or which directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition or treason against, the Government of the United States or of this State.

SEC. 2. Section 2540.9 of the Elections Code is repealed and a new Section 2540.9 is added to said code, to read:

2540.9. (a) Within 125 days before a primary election, the Secretary of State shall, with the advice and consent of the Attorney General, determine which parties are disqualified to participate in any primary election under Section 2540.4. If it is proposed to disqualify a party which was qualified to participate in the next preceding direct primary, notice of intention to disqualify shall be served by registered mail on the chairman of the state central committee of the party as shown by the records of the Secretary of State. If it is proposed to serve a notice of intention to disqualify a party qualifying by petition, notice of intention to disqualify shall be served by registered mail on the persons who presented the petition if the names and addresses of such persons are known to the Secretary of State. In any event, notice of intention to disqualify shall be given in each county of the State by one publication in a newspaper of general circulation printed and published in each such county or if there is no newspaper of general circulation printed and published in any county then by one publication in a newspaper of general circulation printed and published in an adjoining county.

Notice

Affidavit

(b) If the party desires a hearing on the notice of intention to disqualify, it shall, within 10 days after service by mail or within 10 days after the last date upon which the notice was published in any county, whichever is later, file an affidavit in the Supreme Court of the State of California under Section 2900 of this code setting forth facts showing that the political party is not disqualified to participate in any primary election under Section 2540.4. If the party does not file such an affidavit within the time specified, the notice of intention to disqualify shall constitute final disqualification. Before the affidavit is filed, a copy thereof shall be personally served on the Secretary of State. When filed, the matter shall be set for return in not later than 10 days and shall have priority over any other pending cases.

Jurisdiction

(c) In connection with proceedings in the Supreme Court under this section, the Legislature hereby declares its intent to create a speedy and expeditious method for judicial determination of the vital questions involved, and urges the Supreme Court to accept jurisdiction in any such proceeding. The Legislature urges further in connection with such proceedings that the court instruct any referee before whom the taking of evidence is ordered to report back to the court in sufficient time so

that the court's final order may be made effective on or before the eightieth day before the primary election.

SEC. 3. Sections 2540.3 and 2540.5 of said code are repealed. Repeals

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CHAPTER 1218

An act to add Section 5081.5 to the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 19, 1953. Filed with Secretary of State June 22, 1953.] In effect immediately

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

SECTION 1. Section 5081.5 is added to the Education Code, to read:

5081.5. Notwithstanding any provisions of law to the contrary, when a district has received conditional apportionments which have become final under this chapter, and there is a unification of said district prior to December 31, 1952, within the meaning of Section 4931 of the Education Code, with another district having the same boundaries, the effective date of said unification for the purpose of the first district receiving additional apportionments pursuant to the terms of Section 5048.1 of the Education Code shall be July 1, 1953. Effective date of unification

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, it has been ruled because of a technicality in the law that when a district receives a conditional apportionment for state school building aid and subsequently reorganizes as a unified district with no change of boundaries, the district loses its right to obtain apportionments to cover increased costs pursuant to Section 5048.1 of the Education Code, even though there has been no change in the area included in the district, nor in the assessed valuation for the grade level for which the apportionment was made. It was not the intent of the Legislature in enacting these provisions to deprive such a district of necessary state aid to complete projects already authorized. In order to preserve the priority of such district for state aid and to prevent the time-consuming process of reapplying and again waiting its turn on the priority list as a new applicant while the necessary school buildings for the pupils of the district remain inadequate, thus giving equitable treatment to districts desperately in need of state aid and which have made application therefor in the prescribed manner, it is necessary that this act take effect immediately.

CHAPTER 1219

An act to add Section 205.5 to the Revenue and Taxation Code, and providing for the effective date thereof, relating to the veterans' property tax exemption.

In effect September 9, 1953

[Approved by Governor June 19, 1953. Filed with Secretary of State June 22, 1953.]

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

SECTION 1. Section 205.5 is added to the Revenue and Taxation Code, to read:

Veterans' property tax exemption

205.5. There is exempt from taxation property, constituting the home, of every resident of this State who is a veteran as specified in Section 1¼ of Article XIII of the Constitution, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service due to the loss, or loss of use, as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheel chair, has received pecuniary assistance from the Government of the United States in the acquisition of a home with special fixtures or movable facilities made necessary by the nature of the disability.

Residence

No person shall be eligible for such exemption unless he was a resident of California at the time of his entry upon military or naval service, or unless he has resided in this State for five years out of the nine years immediately preceding the date of his application for the exemption, or unless he was a resident of California at the effective date of this section.

Joint, etc., ownership

This exemption includes the home of such a person owned in either joint, common or community interest with his or her spouse.

Limitation

The exemption granted to any such person or any such person and his or her spouse shall not exceed five thousand dollars ($5,000) and shall not extend to more than one home.

In lieu of other exemptions

An exemption granted to a claimant in accordance with the provisions of this section shall be in lieu of any other property tax exemption to which the claimant may be entitled, and no property tax exemption may be claimed by any other person with respect to the same home for which an exemption has been granted under the provisions of this section.

Condition precedent

SEC. 2. This act shall take effect only if the amendment to Section 1¼ of Article XIII of the Constitution proposed at the 1953 Regular Session of the Legislature is adopted by the voters, and in such case this act shall take effect at the same time as such amendment takes effect.

CHAPTER 1220

An act to amend Sections 221, 226, and 227p of the Civil Code, relating to the adoption of minors.

[Approved by Governor June 19, 1953. Filed with Secretary of State June 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 221 of the Civil Code is amended to read:

Adoptions

221. Any unmarried minor child may be adopted by any adult person, in the cases and subject to the rules prescribed in this chapter other than in Section 227p, and any adult person or married minor child may be adopted by any other adult person in the cases and subject to the rules prescribed in Section 227p.

Definitions

As used in this chapter, "child" and "children" mean minor child and minor children, respectively, except in Sections 227p, 228, 229, and 230. In Sections 228, 229, and 230 "child" and "children" include both minor persons and adult persons. In Section 227p "child" means adult person or married minor child, and does not include an unmarried minor person.

SEC. 2. Section 226 of said code is amended to read:

Petition

226. Any person desiring to adopt a child may for that purpose petition the superior court of the county in which the petitioner resides and the clerk of the court shall immediately notify the State Department of Social Welfare at Sacramento in writing of the pendency of the action and of any subsequent action taken. In all cases in which consent is required, except in the case of an adoption by a stepparent where one natural or adoptive parent retains his or her custody and control of the child, unless an agency licensed by the State Department of Social Welfare to find homes for children and place children in homes for adoption joins in the petition for adoption, the consent of the natural parent or parents to the adoption by the petitioners must be signed in the presence of an agent of the State Department of Social Welfare or of a licensed county adoption agency on a form prescribed by such department and filed with the clerk of the superior court, in the county of the petitioner's residence.

Consent of natural parents

Such consent, when reciting that the person giving it is entitled to the sole custody of the minor child, shall, when duly acknowledged before such agent, be prima facie evidence of the right of the person making it to the sole custody of the child and such person's sole right to consent.

In all cases of adoption in which no agency licensed to place children for adoption is a party, except in the case of an adoption by a stepparent where one natural or adoptive parent retains his or her custody and control of the said child, it shall be the duty of the Department of Social Welfare or of the licensed county adoption agency to accept the consent of the

natural parents to the adoption of the child by the petitioners and to ascertain whether the child is a proper subject for adoption and whether the proposed home is suitable for the child, prior to filing report with the court.

In all cases in which the consent of the natural parent or parents is not necessary and an agency licensed to place children for adoption is not a party to the petition, the State Department of Social Welfare or the licensed county adoption agency shall, prior to the hearing of the petition, file its consent to the adoption with the clerk of the superior court of the county in which the petition is filed. Such consent shall not be given by the Department of Social Welfare or the licensed county adoption agency unless the child's welfare will be promoted by the adoption.

Department or agency report

Except in the case of the adoption of a child by a stepparent where one natural or adoptive parent retains his or her custody and control of the child, it shall be the duty of the Department of Social Welfare or of the licensed county adoption agency to submit to the court a full report of the facts disclosed by its inquiry with a recommendation regarding the granting of the petition within 180 days after the filing of the petition; provided, however, that the court may allow such additional time for the filing of said report as in its discretion it may see fit. The report required of the Department of Social Welfare or of the licensed county adoption agency may be waived by the department in all cases in which an agency, licensed by the Department of Social Welfare to place children in homes for adoption, is a party or joins in the petition for adoption. Such waiver may be issued by the department at any time, either before or after the filing of the petition for adoption.

Whenever any report or findings are submitted to the court by the Department of Social Welfare or by a licensed county adoption agency under any provision of this section, a copy of such report or findings, whether favorable or unfavorable, shall be given to the attorney for the petitioner in the proceedings, if the petitioner has an attorney of records, or to the petitioner.

Unfavorable findings

If the findings of the State Department of Social Welfare or the county adoption agency are that the home of the petitioners is not suitable for the child and it recommends that the petition be denied, the county clerk upon receipt of the report of the State Department of Social Welfare or the county adoption agency shall immediately refer it to the superior court for review.

Stepparent adoption Consent of natural parents

In case of an adoption of a child by a stepparent where one natural or adoptive parent retains his or her custody and control of said child, the consent of either or both parents must be signed in the presence of a county clerk or probation officer of any county of this State on a form prescribed by the State Department of Social Welfare and the county clerk or probation officer before whom such consent is signed shall immediately

file said consent with the clerk of the superior court of the county where the petition is filed and said clerk shall immediately file a certified copy of such consent to adoption with the State Department of Social Welfare.

Consent where parents outside the State

If the father or mother of a child to be adopted is outside the State of California at the time of signing consent, his or her consent may be signed before a notary or other person authorized to perform notarial acts, and in such case the consent of the Department of Social Welfare or of a licensed county adoption agency will also be necessary, but such consent shall not be necessary where the adoption is by a stepparent and one natural parent retains custody and control of the child.

Consent by minor parent irrevocable

A parent who is a minor shall have the right to sign a consent for the adoption of his or her child and such consent shall not be subject to revocation by reason of such minority.

Appeal from refusal of department or agency to accept consent

If for a period of 180 days from the date of filing the petition, or upon the expiration of any extension of said period granted by the court, the Department of Social Welfare or the licensed county adoption agency fails or refuses to accept the consent of the natural parent or parents to the adoption, or if said department or agency fails or refuses to file or to give its consent to an adoption in those cases where its consent is required by this chapter, either the natural parent or parents or the petitioner may appeal from such failure or refusal to the superior court of the county in which the petition is filed, in which event the clerk shall immediately notify the Department of Social Welfare of such appeal and the department or agency shall within 10 days file a report of its findings and the reasons for its failure or refusal to consent to the adoption or to accept the consent of the natural parent. After the filing of said findings, the court may, if it deems that the welfare of the child will be promoted by said adoption, allow the signing of the consent by the natural parent or parents in open court, or if the appeal be from the refusal of said department or agency to consent thereto, grant the petition without such consent.

SEC. 3. Section 227p of said code is amended to read:

Adoption of adult

227p. Any adult person may adopt any other adult person younger than himself, except the spouse of the adopting person, by an agreement of adoption approved by a decree of adoption of the superior court of the county in which either the person adopting or the person adopted resides, as provided in this section. The agreement of adoption shall be in writing and shall be executed by the person adopting and the person to be adopted, and shall set forth that the parties agree to assume toward each other the legal relation of parent and child, and to have all of the rights and be subject to all of the duties and responsibilities of that relation.

Consent of spouse

A married person not lawfully separated from his spouse cannot adopt an adult person without the consent of the spouse of the adopting person, if such spouse, not consenting, is capable of giving such consent. A married person not lawfully separated from his spouse cannot be adopted without the con-

sent of the spouse of the person to be adopted, if such spouse, not consenting, is capable of giving such consent. Neither the consent of the natural parent or parents of the person to be adopted, nor of the State Department of Social Welfare, nor of any other person shall be required.

Petition

The adopting person and the person to be adopted may file in the superior court of the county in which either resides a petition praying for approval of the agreement of adoption by the issuance of a decree of adoption. The court shall fix a time and place for hearing on the petition, and both the person adopting and the person to be adopted must appear at the hearing in person, unless such appearance is impossible, in which event appearance may be made for either or both of such persons by counsel, empowered in writing to make such appearance. The court may require notice of the time and place of the hearing to be served on any other interested persons, and any such interested person may appear and object to the proposed adoption No investigation or report to the court by any public officer or agency is required, but the court may require the county probation officer or the State Department of Social Welfare to investigate the circumstances and report thereon, with recommendations, to the court prior to the hearing.

Hearing

Notice

At the hearing the court shall examine the parties, or the counsel of any party not present in person. If the court is satisfied that the adoption will be for the best interests of the parties and in the public interest, and that there is no reason why the petition should not be granted, the court shall approve the agreement of adoption, and make a decree of adoption declaring that the person adopted is the child of the person adopting him; otherwise, the court shall withhold approval of the agreement and deny the petition.

Married minor child

A married minor child may be adopted pursuant to the provisions of this section; provided, that such married minor child has the written consent of his or her spouse to such adoption.

CHAPTER 1221

An act to add Section 18405 to the Education Code, relating to options on school sites.

In effect September 9, 1953

[Approved by Governor June 19, 1953 Filed with Secretary of State June 22, 1953]

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

SECTION 1. Section 18405 is added to the Education Code, to read:

Option agreement

18405. The governing board of any school district may acquire and pay for an option upon a school site. The option agreement may provide that if the option is not exercised by the district during the period for which it is granted that, upon

an additional payment by the district, made on or before the last day of such period, the option may be extended for a further period. Any such option agreement may contain provisions for additional successive renewals.

Before acquiring any such option the governing board shall comply with Sections 18403 and 18404 of this code.

CHAPTER 1222

An act to amend Section 1062 of the Probate Code, relating to the treasurer's receipt for money deposited after the sale of personal property.

[Approved by Governor June 19, 1953. Filed with Secretary of State June 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1062 of the Probate Code is amended to read:

1062 When personal property remains in the hands of the executor or administrator unclaimed for a year, or when the distributee refuses to accept or to give a proper receipt for the property, or is a minor or incompetent person and has no legally qualified guardian of his estate, and it appears to the court that it is for the benefit of those interested, or if the executor or administrator desires his discharge and it appears to the court that no injury will result to those interested, the court shall order the property to be sold. The proceeds, after deducting such expenses of sale as may be allowed by the court, must be paid into the county treasury. The receipt of the treasurer shall be received by the court as a proper voucher for the deposit.

Sale of unclaimed, etc., property

CHAPTER 1223

An act to amend Section 28105 of the Government Code, relating to the compensation of county officers.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 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:

Contra Costa County: Salaries

(a) The auditor, ten thousand five hundred dollars ($10,500) a year.

Auditor

(b) The district attorney, twelve thousand dollars ($12,000) a year.

District attorney

Supervisors

(c) Each supervisor, seven thousand two hundred dollars ($7,200) 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.

Jurors

(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.

Full compensation

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.

Incumbents

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 1224

An act to amend Section 261e of the Code of Civil Procedure and Section 69900 of the Government Code, relating to superior court employees in counties, or cities and counties, having a population between 750,000 and 900,000.

In effect September 9, 1953

[Approved by Governor June 19, 1953. Filed with Secretary of State June 22, 1953.]

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

SECTION 1. Section 261e of the Code of Civil Procedure is amended to read:

261e. In each county, or city and county, having a population of more than 750,000 and less than 900,000 inhabitants, 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:

Court employees in counties over 750,000 and less than 900,000 population Salaries

(1) One grand jury statistician at a salary of six thousand dollars ($6,000) per annum;

(2) Six senior legal stenographers, each at a salary of four thousand eight hundred dollars ($4,800) per annum;

(3) One senior clerk at a salary of four thousand five hundred dollars ($4,500) per annum;

(4) Two secretary-telephone operators, each at a salary of three thousand six hundred sixty dollars ($3,660) per annum;

(5) One probate court commissioner at a salary of seven thousand two hundred dollars ($7,200) per annum;

(6) One chief calendar clerk at a salary of six thousand dollars ($6,000) per annum;

(7) One domestic relations court commissioner at a salary of seven thousand two hundred dollars ($7,200) per annum;

(8) One domestic relations cases investigator at a salary of five thousand four hundred dollars ($5,400) per annum;

(9) One law clerk at a salary of four thousand eight hundred dollars ($4,800) per annum;

(10) One general clerk at a salary of three thousand six hundred sixty dollars ($3,660) per annum;

All of the employees provided in this section shall be allowed actual traveling and necessary expenses incurred while engaged in the duties of their office.

Expenses

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 such county, or city and county, are paid.

Sources of payment

The expenses in this section provided for shall be paid in monthly installments out of the General Fund, and both salaries and expenses shall be allowed and audited in the same manner as other demands against the county, or city and county, are required by law to be allowed and audited.

SEC. 2. Section 69900 of the Government Code is amended to read:

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:

Same

(a) One grand jury statistician at an annual salary of six thousand dollars ($6,000).

(b) Six senior legal stenographers, each at an annual salary of four thousand eight hundred dollars ($4,800).

(c) One senior clerk at an annual salary of four thousand five hundred dollars ($4,500).

(d) Two secretary-telephone operators, each at an annual salary of three thousand six hundred sixty dollars ($3,660).

(e) One probate court commissioner at an annual salary of seven thousand two hundred dollars ($7,200).

(f) One chief calendar clerk at an annual salary of six thousand dollars ($6,000).

(g) One domestic relations court commissioner at a salary of seven thousand two hundred dollars ($7,200) per annum.

(h) One domestic relations cases investigator at an annual salary of five thousand four hundred dollars ($5,400).

(i) One law clerk at an annual salary of four thousand eight hundred dollars ($4,800).

(j) One general clerk at an annual salary of three thousand six hundred sixty dollars ($3,660).

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 261e of the Code of Civil Procedure is repealed.

CHAPTER 1225

An act to amend Sections 18005 and 18020 of the Government Code, relating to state employees.

In effect September 9, 1953

[Approved by Governor June 19, 1953. Filed with Secretary of State June 22, 1953.]

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

SECTION 1. Section 18005 of the Government Code is amended to read:

Accumulated vacation time separation from service

18005. (a) Upon separation from service without fault on his part, a person is entitled to a lump sum payment as of the time of separation for any unused or accumulated vacation or for any time off to which he is entitled by reason of previous overtime work where compensating time off for overtime work is provided for by the appointing power or by rules of the State Personnel Board. Lump sum payment for vacation shall not be made to a person who separates from a position for the purpose of accepting another position in the state service or to a person who returns to a position in the same class and agency within 15 working days of the date of his resignation.

Computation

(b) Such sum shall be computed by projecting the accumulated time on a calendar basis so that the lump sum will equal the amount which the employee would have been paid had he taken the time off but not separated from the service. Persons separated from service through fault of their own are entitled to a lump sum payment for such compensating time off for overtime work, similarly computed, and in addition, such portion, if any, of unused vacation as the State Personnel Board may determine

SEC. 2. Section 18020 of said code is amended to read:

Establishment of work week

18020. The State Personnel Board shall establish the work week for each position or class in the state service for which a

monthly or annual salary range is fixed, whether or not the position or class is subject to state civil service, by allocating, and reallocating as the needs of the service require, each class or position to one of the following groups:

(1) Classes and positions with a work week of 40 hours.

(2) Classes and positions with a work week of 44 hours.

(3) Classes and positions with a work week of 48 hours.

(4) Classes and positions with unusual conditions or hours of work requiring the establishment by the Personnel Board of special provisions governing hours of work or methods of compensation for overtime.

CHAPTER 1226

An act to amend Section 28110 of the Government Code, relating to the compensation of county officers.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 28110 of the Government Code is amended to read:

San Mateo County Supervisors', etc., salaries

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 six thousand dollars ($6,000) 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.

Jurors

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 allowed but once during each session the juror is required to attend.

Incumbents

The compensation provided by this section shall be paid to incumbent officers.

CHAPTER 1227

An act to amend Section 2 of Chapter 1056 of the Statutes of 1943, and to amend Section 431 of the Government Code, and Section 18901 of the Education Code, relating to the display of flags.

[Approved by Governor June 19, 1953. Filed with Secretary of State June 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2 of Chapter 1056 of the Statutes of 1943 is amended to read:

Display of flags

Sec. 2. The Flag of the United States of America and the Flag of the State of California (the Bear Flag) shall be prominently displayed during business hours upon or in front of the buildings or grounds of, or at each of the following places, to wit:

a. Each public building whether such building belongs to the State or county or city and county or a municipality.

b. At the entrance and exit of every state park.

c. At the entrance or upon the grounds of each campus of the University of California.

d. At the entrance or upon the grounds or upon the administration building, of every university, college, high school and grammar grade school, both public and private, within the State of California.

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 resides or is on duty at the time necessary to raise and lower the Flag.

Sec. 2. Section 431 of the Government Code is amended to read:

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:

(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 each campus of the University of California.

(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.

Sec. 3. Section 18901 of the Education Code is amended to read:

Schools

18901. The governing board of each school district throughout the State shall provide for each schoolhouse under its control, a suitable Flag of the United States, which shall be hoisted above each schoolhouse during all school sessions and on school holidays, weather permitting.

The governing board of each school district shall provide smaller and suitable United States Flags to be displayed in each schoolroom at all times during the school sessions.

The governing board of each school district shall enforce this section.

SEC. 4. Section 2 of this act becomes operative only if Chapter 3 is added to Division 3, Title 1 of the Government Code 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 2 of Chapter 1056 of the Statutes of 1943, amended by this act, is repealed.

Effect Stats 1953, Ch 170

CHAPTER 1228

An act to amend Section 401 of the Education Code, relating to the salary of a county superintendent of schools of a county of the first class.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 401 of the Education Code is amended to read:

401. The annual salary of the county superintendent of schools of a county of the first class is sixteen thousand five hundred dollars ($16,500), and he shall possess a valid general administrative credential issued by the State Board of Education.

Los Angeles County Superintendent of Schools Salary

CHAPTER 1229

An act to amend Section 69991 of the Government Code, relating to official reporters of the superior court in and for the State of California.

[Approved by Governor June 19, 1953. Filed with Secretary of State June 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 69991 of the Government Code is amended to read:

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 six hundred dollars ($600). 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.

Court reporters' salary

CHAPTER 1230

An act to amend Section 8121.5 of, and to add Chapter 14 to Part 2 of Division 9 of, the Streets and Highways Code, relating to separation of grade districts.

In effect September 9, 1953

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

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

SECTION 1. Section 8121.5 of the Streets and Highways Code is amended to read:

Uninhabited farm acreage excluded

8121.5. The board shall exclude uninhabited farm acreage from the district as not benefited. For the purpose of this section, "farm acreage" means any land which is under cultivation or which is being used for pasture or grazing at the time of the hearing.

SEC. 2. Chapter 14 is added to Part 2 of Division 9 of said code, to read:

CHAPTER 14. ANNEXATION OF TERRITORY

Annexation of contiguous territory

8275. At any time after the formation of a district the board may determine that contiguous territory should be annexed to the district.

Notice and hearing

8276. The board shall fix a time and place for hearing of the matter of annexation and shall direct its clerk to publish a notice once a week for two successive weeks in any newspaper circulated in the county which the board deems most likely to give notice to the landowners of the territory proposed to be annexed.

8277. The notice shall contain a description of the territory proposed to be annexed and the time and place at which objections to the annexation will be heard.

Objections

8278. At the time and place of hearing, or at any time to which it is continued, the board shall consider any objections which may be filed against the annexation of any territory to the district.

Determination by board

8279. After the hearing the board may refuse to annex any territory to the district or it may include all or a portion of the territory proposed to be annexed. If the board determines to annex any territory it shall by order entered on its minutes alter the boundaries of the district and annex thereto all or such portion of the territory as will be benefited by inclusion in the district.

Territory excluded

8280. Any territory which will not be benefited by inclusion in the district shall not be included in the district.

Order of annexation conclusive evidence

8281. The order of annexation shall be conclusive evidence of the validity of all prior proceedings leading to the annexation recited therein and upon the making of the order, the territory shall become a part of the district and shall be taxed, together with the remainder of the district, for all taxes thereafter levied by the board for the purposes of the district.

8282. The procedure prescribed in this part shall be the exclusive method of formation of such district and of annexation of territory to a district.

Exclusive method of annexation, etc

CHAPTER 1231

An act to amend Section 1141 of the Health and Safety Code, relating to state aid for local health administrations.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1141 of the Health and Safety Code is amended to read:

1141. From the appropriation made for the purposes of this article, allocation shall be made to the administrative bodies of qualifying local health departments in the following manner:

Allocations to local health departments

(a) A basic allotment as follows:

To the administrative bodies of local health departments serving the territory in one or more counties a basic allotment of sixteen thousand dollars ($16,000) per county or sixty cents ($0.60) per capita per county, whichever is the lesser; provided, however, that if a county is divided into two or more local health department jurisdictions the basic allotment shall be divided between the departments in proportion to the population served by each department, except that no funds shall be available to any city of less than 50,000 population for the maintenance of an independent health department.

(b) A per capita allotment, determined as follows:

After deducting the amounts allowed for the basic allotment as provided in this section, the balance of the appropriation shall be allotted on a per capita basis to the adminstrative body of each local health department in the proportion that the population of that local health department jurisdiction bears to the population served by all qualified local health departments of the State.

SEC. 2. This act shall become effective July 1, 1954.

Operative date

CHAPTER 1232

An act to amend Section 880 of the Welfare and Institutions Code, relating to transfer of juvenile court cases.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 880 of the Welfare and Institutions Code is amended to read:

Change of venue

880. Whenever a petition is filed in the juvenile court of a county other than the residence of the person named in the petition, or whenever, subsequent to the filing of a petition in the juvenile court of the county where such person resides, the residence of such person is changed to another county, the entire case may be transferred to the juvenile court of the county wherein such person then resides after the court has made a finding of the facts upon which it has exercised its jurisdiction over such person and has adjudged such person to be a ward of the juvenile court, and the juvenile court of the county wherein such person then resides shall take jurisdiction of the case upon the filing with it of such finding of the facts and order adjudging such person to be a ward of the court and of an order transferring the case.

CHAPTER 1233

An act to amend Section 17.1 of the Welfare and Institutions Code, relating to determination of the residence of minors.

In effect September 9, 1953

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

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

SECTION 1. Section 17.1 of the Welfare and Institutions Code is amended to read:

Minor's residence

17.1. Unless otherwise provided under the provisions of this code, the residence of a minor person shall be determined by the following rules:

(a) The residence of the father determines that of the child during the lifetime of the father, unless the father has abandoned the child, has been legally deprived of his custody, or is in fact living separate and apart from the mother of the child; in the latter case the residence of the child is determined by the residence of the parent who has his custody.

(b) If the child's residence is not determined under subdivision (a) hereof, then the residence of the mother determines that of the child during the lifetime of the mother, unless the mother has abandoned the child or has been legally deprived of his custody. The residence of the husband shall not be deemed the residence of the wife if they are living separate and apart and in such case each may have a separate residence dependent upon proof of the fact and not upon legal presumptions. The residence of the parent having custody of the child determines his residence.

(c) If the residence of the child is not determined under subdivision (a) or (b) hereof, then the residence of any indi-

vidual who has been appointed legal guardian or the individual who has been given the care or custody by a court of competent jurisdiction, determines the residence of the child.

(d) Wherever in this section it is provided that the residence of a child is determined by the residence of the person who has his custody, "custody" means the legal right to custody of the child unless that right is held jointly by two or more persons, in which case "custody" means the physical custody of the child by one of the persons sharing the right to his custody.

(e) The residence of a foundling shall be deemed to be that of the county in which the child is found.

(f) If the residence of the child is not determined under (a), (b), (c) or (e) hereof, the county in which the child is living shall be deemed the county of residence, if and when the child has had a physical presence in the county for one year.

(g) If the child has been declared permanently free from the custody and control of his parents, his residence is the county in which the court issuing the order is situated.

CHAPTER 1234

An act to add Section 705.5 to the Vehicle Code, relating to transportation of saw logs.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 705.5 is added to the Vehicle Code, to read:

705.5. Hauling of Saw Logs. The limitations imposed in Section 704 and Section 705 shall not apply to the transportation of a single saw log which does not exceed 8 feet in diameter and 21 feet in length or 6 feet in diameter and 33 feet in length, if such log is hauled on a combination of vehicles consisting of a three-axle tractor and a two-axle pole trailer under permit issued by the Department of Public Works with respect to highways under its jurisdiction or by local authorities with respect to highways under their jurisdiction. Such permit shall be granted for not more than thirty (30) days and may be revocable upon notice by the department or local authorities, as the case may be. When so transported, the vehicle shall not be operated over any bridge or causeway at a speed of more than 15 miles per hour or on the highway at more than 25 miles per hour, on routes designated in the permit by the Department of Public Works on state highways and by local authorities with respect to highways under their jurisdiction. Diameter measurements of the logs shall be made on the large end.

Hauling saw logs

CHAPTER 1235

An act to amend Section 39.7 of the Fish and Game Code, relating to the powers and duties of the Fish and Game Commission.

In effect September 9, 1953

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

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

SECTION 1. Section 39.7 of the Fish and Game Code is amended to read:

Exchange of properties

39.7. The commission may, with the approval of the Department of Finance, exchange any portion of the property lying within the boundaries of any area or range referred to in this section for any property within or contiguous to such area or range or may sell any portion of the property within such boundaries and with the proceeds thereof acquire any property within or contiguous to such area or range; providing, that no exchange or sale of property as provided for in this section shall materially reduce the total area of any range or area referred to in this section. A copy of each deed of conveyance executed and delivered by the commission, and of each deed conveying lands to the State, pursuant to this section shall be delivered to the State Lands Commission.

The provisions of this section apply to all of the following:

(a) The Madeline Plains Waterfowl Management Area, consisting of five thousand one hundred seventy-six (5,176) acres, more or less, located in Lassen County, near the town of Madeline.

(b) The Doyle Deer Winter Range consisting of thirteen thousand four hundred twenty-nine (13,429) acres, more or less, located in Lassen County, near the town of Doyle.

(c) The Tehama Deer Winter Range, consisting of forty-two thousand eight hundred ninety-six (42,896) acres, more or less, located in Tehama County, near the town of Red Bluff

(d) The Honey Lake Waterfowl Management Area, consisting of three thousand five hundred nineteen (3,519) acres, more or less, located in Lassen County, near the town of Wendel.

CHAPTER 1236

An act to amend Section 10 of the County Water Authority Act (Chapter 545, Statutes of 1943), relating to annexations to county water authorities.

In effect September 9, 1953

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

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

SECTION 1. Section 10 of the County Water Authority Act is amended to read:

Sec. 10. (a) For the purposes of this section, the following definitions shall apply to the terms used herein; the term "city" shall mean and include any municipal corporation or municipality of the State of California, whether organized under a freeholder's charter or under the provisions of general law of the type and class of cities and incorporated towns; the term "water district" shall mean and include any municipal water district, municipal utility district, public utility district, county water district, irrigation district or any other public corporation or agency of the State of California of similar character. Definitions

(b) Territory may be annexed to any county water authority organized hereunder by one of the following methods: Annexation methods

(1) By annexation to, or consolidation with, the area of any city, the area of which, as a separate unit, shall have become a part of any county water authority organized hereunder, such annexation or consolidation to occur upon compliance with the provisions of law governing such annexation to, or consolidation with, the area of such city. Upon completion of such annexation to, or consolidation with, such city in compliance with the provisions of law applicable thereto, such territory shall become, and be, a part of such county water authority, and the taxable property therein shall be subject to taxation thereafter for the purposes of said county water authority, including the payment of bonds and other obligations of such authority at the time authorized or outstanding.

(2) By annexation to, or consolidation with, any city which, as a separate unit, shall have become a part of any water district the area of which water district, as a separate unit, shall have become a part of any county water authority organized hereunder, in instances where, under the applicable provisions of law governing the change of boundaries of such water district, such annexation or consolidation automatically will result in the enlargement of the area of such water district, such annexation or consolidation to occur upon compliance with the provisions of law governing such annexation to, or consolidation with, the area of such city. Upon completion of such annexation to, or consolidation with, such city in compliance with the provisions of law applicable thereto, such territory shall become, and be a part of such water district, and of such county water authority, and the taxable property therein shall be subject to taxation thereafter for the purposes of said water district and of said county water authority, including the payment of bonds and other obligations of such water district and of such county water authority at the time authorized or outstanding. If any such territory shall have been so annexed to, or consolidated with, any such city prior to the effective date of this subparagraph (2), under conditions which would have resulted in the enlargement of the area of such county water authority had the foregoing provisions of this subparagraph (2) then been in effect, upon compliance with the following provisions of this subparagraph (2), such territory shall be

annexed to, and shall become and be a part of, such county water authority, and shall be a part of such water district for all purposes, the last-mentioned provisions being as follows:

(aa) The governing body of such city, at any time after the effective date of this subparagraph (2), may adopt an ordinance which, after reciting that such territory has been annexed to, or consolidated with, such city by proceedings theretofore taken under statutory authority, and after referring to the applicable statutes and to the date and place of filing of the certificate or certificates evidencing such annexation or consolidation, shall describe such territory and shall determine and declare that the said territory shall be, and thereby is, annexed to such county water authority, and said ordinance shall further determine and declare that the said territory shall become and be, and thereby is, a part of such county water authority, and shall be, and thereby is, a part of such water district for all purposes.

Same

(bb) The governing body, or clerk thereof, of such city shall file a certified copy of such ordinance with the Secretary of State of the State of California. Upon the filing of said certified copy of such ordinance in the Office of the Secretary of State, such territory shall become, and be, a part of such county water authority, and shall be a part of such water district for all purposes, and the taxable property therein shall be subject to taxation thereafter for the purposes of said county water authority and of said water district, including the payment of bonds and other obligations of such county water authority at the time authorized or outstanding.

(cc) Upon the filing in his office of the aforesaid certified copy of such ordinance, the Secretary of State shall, within 10 days, issue his certificate, describing such territory, reciting the filing of said certified copy of such ordinance in his office and the annexation of said territory to such county water authority, and declaring that the said territory is a part of said county water authority and of such water district. The Secretary of State shall transmit the original of his said certificate to the secretary of such county water authority and a duplicate original of his said certificate to the clerk of the governing body of such water district, and shall forward a certified copy of his said certificate to the county clerk of the county in which such county water authority is situated.

(3) Upon terms and conditions fixed by the board of directors of such county water authority and in the manner provided in paragraph (c) hereof, by direct annexation, as a separate unit, of the corporate area of any water district or city.

(4) Upon terms and conditions fixed by the board of directors of such county water authority and in the manner provided in paragraph (d) hereof, by annexation to, or consolidation with, any water district, the area of which, in whole or in part, is included within such county water authority as a separate unit; provided, that unless such territory shall be so annexed to such county water authority with the consent of such board of

directors, the annexation of such territory to, or the consolidation of such territory with, any such water district shall not authorize or entitle such water district or such territory to demand or receive any water from such county water authority for use in such territory; and provided further, that, except where automatic annexation results under the conditions mentioned in subparagraph (2) of this paragraph (b), nothing in this act shall prevent the annexation of territory to, or the consolidation of territory with, any such water district for its local purposes only and without annexing such territory to such county water authority, and such local annexation or consolidation may occur without requesting or obtaining the consent thereto of the board of directors of such county water authority.

Same

(c) The governing body of any water district or city may apply to the board of directors of such county water authority for consent to annex the corporate area of such water district or city to the county water authority. The board of directors may grant or deny such application and in granting the same may fix the terms and conditions upon which the corporate area of such water district or city may be annexed to and become a part of the county water authority. Such terms and conditions may provide, among other things, for the levy by such county water authority of special taxes upon taxable property within such water district or city, in addition to the taxes elsewhere in this act authorized to be levied by such county water authority, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors in fixing such terms and conditions shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum, and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. The action of the board of directors evidenced by resolution shall be promptly transmitted to the governing body of such applying water district or city, and if such action shall grant consent to such annexation, such governing body may thereupon submit to the qualified electors of such water district or city at any general or special election held therein, the proposition of such annexation subject to the terms and conditions fixed as herein provided. Notice of such election shall be mailed to each voter qualified to vote at the election and shall be given by posting or publication; when given by posting such notices shall be posted at least ten (10) days and in three public places in the water district or city; when given by publication such notice shall be published once at least ten (10) days before the date fixed for the election in a newspaper of general circulation published in the water district or city. Such notice shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided. Such election shall be conducted and the returns thereof canvassed in the manner provided by law for elections in such water district or city. If such proposition shall receive the affirmative vote of a majority of electors of such water district or city voting thereon at such

election, the governing body of such water district or city shall certify the result of such election on said proposition to the board of directors of said authority, together with a legal description of the boundaries of the corporate area of such water district or city, accompanied by a map or plat indicating such boundaries. A certificate of proceedings hereunder shall be made by the secretary of the authority and filed with the Secretary of State. Upon the filing thereof in the Office of the Secretary of State, the corporate area of such water district or city shall become, and be, an integral part of such county water authority, and the taxable property therein shall be subject to taxation thereafter for the purposes of said county water authority, including the payment of bonds and other obligations of such authority at the time authorized or outstanding, and the board of directors of such county water authority shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized. Upon the filing in his office of the aforesaid certificate of proceedings the Secretary of State shall, within ten (10) days, issue his certificate, reciting the filing of said papers in his office and the annexation of the corporate area of such water district or city to such county water authority. The Secretary of State shall transmit the original of his said certificate to the secretary of such county water authority and shall forward a certified copy thereof to the county clerk of the county in which such county water authority is situated.

Same

(1) In the event that a water district shall apply to a county water authority for consent to annex its corporate area, as a separate unit, which water district shall include as a part of its corporate area the corporate areas of any cities (whether one or more) which are already included within such county water authority as separate units, or which water district shall include as a part of its corporate area the corporate areas, or portion thereof, already included within such water authority, of any water districts (whether one or more) the corporate areas of which, in whole or in part, are already included within such county water authority as separate units, then that fact shall be taken into consideration by the board of directors of such county water authority in fixing the terms and conditions upon which said applying water district may be annexed to such county water authority, to the end that the areas within said unit member cities or water districts which are already a part of such county water authority, shall not be required to assume any greater financial burden or obligation to such county water authority than they would have had if they had remained a part of such county water authority as separate units.

Same

That concurrently with any election called by an applying water district to submit to the qualified electors of such water district, the question of whether the terms and conditions fixed by the board of directors of such county water authority for annexation shall be approved, the governing bodies of said unit member cities or water districts may call and hold elections

within their respective corporate limits or portions thereof already included within such county water authority, to determine whether or not such cities or water districts shall withdraw from such county water authority as separate units, and said proposed withdrawal may be made and submitted conditioned upon and effective when the said applying water district shall have finally been annexed to such county water authority.

The effect of such concurrent elections, if a majority of the electors of the said applying water district voting thereat vote in favor of annexation, and a majority of the electors of said unit member cities or water districts voting thereat vote in favor of withdrawing, shall be that the said annexing water district thereafter shall be authorized to exercise the privileges and to discharge the duties prescribed in this act for public agencies the areas of which, as separate units, are included within the said authority, in place of and instead of said cities or water districts so withdrawing. That notwithstanding anything to the contrary in Section 11 of this act, the areas within said withdrawing cities or water districts shall remain a part of such county water authority and shall not be excluded therefrom notwithstanding the fact that said cities or water districts, as corporate entities, have withdrawn from said authority.

In the event that said water district does annex to such county water authority, then the directors representing said withdrawing cities or water districts on the board of directors of such county water authority, shall continue to act until their successors have been chosen and designated by the appropriate officers of said annexing water district and have qualified as members of the board of directors of such county water authority, after which time the said directors representing said withdrawing cities or water districts, shall no longer be entitled to sit or vote on said board.

(2) In the event that a water district shall apply to a county water authority for consent to annex its corporate area as a separate unit, which water district shall include as a part of its corporate area lands in public ownership exempt from taxation by a county water authority, and not within or adjacent to the area within said water district served with water by said district, and which lands are not to be supplied by said water district with water obtained from and by reason of its annexation to said county water authority, then that fact may be taken into consideration by the board of directors of such county water authority in fixing the terms and conditions upon which said water district may be annexed to said county water authority and in determining the boundaries of the area to be annexed, and said county water authority may, in the discretion of its board of directors, annex all of the corporate area of said water district as a separate unit excepting that portion consisting of such publicly owned and tax-exempt lands.

(d) The governing body of any water district, the area of which, in whole or in part, is included within such county water authority as a separate unit, may apply to the board of directors Same

of such county water authority for consent to annex to such county water authority territory which it is sought to annex to, or consolidate with, such water district, or territory which, without making the same a part of such county water authority, already has been annexed to, or consolidated with, such water district. The board of directors may grant or deny such application and in granting the same may fix the terms and conditions upon which such territory may be annexed to, and become a part of, the county water authority. Such terms and conditions may provide, among other things, for the levy by such county water authority of special taxes upon taxable property within such territory in addition to the taxes elsewhere in this act authorized to be levied by such county water authority, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors in fixing such terms and conditions shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum, and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. The action of the board of directors evidenced by resolution shall be promptly transmitted to the governing body of such applying water district, and if such action shall grant consent to such annexation, such territory may be annexed to such county water authority as provided in subdivision (1) or (2) thereof.

Same

(1) If such territory has not theretofore been annexed to or consolidated with such water district, upon completion of such annexation to, or consolidation with, such water district in compliance with the provisions of law applicable thereto, including this Section 10, such territory shall become and be a part of such county water authority and the taxable property therein shall be subject to taxation thereafter for the purposes of said county water authority, including the payment of bonds and other obligations of such authority at the time authorized or outstanding, and the board of directors of such county water authority shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized; provided, that if the applicable provisions of law governing such annexation to, or consolidation with, such water district shall require any notice of any election called for the purpose of determining whether such proposed annexation or consolidation shall occur, or shall require any notice of hearing or other notice to be given to the residents or electors of, or owners of property in, such territory, such notice shall contain the substance of the terms and conditions of annexation to such county water authority fixed by the board of directors of such authority as herein provided; and provided further, that the governing body of such water district or other officer thereof having the duty of certifying the proceedings resulting in such annexation to, or consolidation with, such water district, pursuant to the provisions of law applicable thereto, shall include in such certification a

record of the proceedings by which such territory has been annexed to such county water authority in accordance with the provisions hereof, and shall file a duplicate of such certificate with the board of directors of such county water authority.

Same

(2) If the territory sought to be annexed to such county water authority theretofore has been annexed to, or consolidated with, such water district, the governing body of such water district, upon being advised of the action of the board of directors of such county water authority, as above provided, and if such action shall grant consent to such annexation, may submit to the qualified electors of such territory at any general or special election held therein, the proposition of such annexation to such county water authority subject to the terms and conditions fixed by the board of directors of such county water authority, as herein provided. Notice of such election shall be given by posting or publication; when given by posting such notice shall be posted at least ten (10) days and in three public places in such territory; when given by publication such notice shall be published once at least ten (10) days before the date fixed for the election in a newspaper of general circulation published in such water district. Such notice shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided. Such election shall be conducted and the returns thereof canvassed by the governing body of such water district in the manner provided by law for elections in such water district. If such proposition shall receive the affirmative vote of a majority of electors of such territory voting thereon at such election, the governing body of such water district shall certify the result of such election on said proposition to the board of directors of said authority. A certificate of proceedings hereunder shall be made by the secretary of the authority and filed with the Secretary of State. Upon the filing thereof in the Office of the Secretary of State, such territory shall become, and be, a part of such county water authority, and the taxable property therein shall be subject to taxation thereafter for the purposes of said county water authority, including the payment of bonds and other obligations of such authority at the time authorized or outstanding, and the board of directors of such county water authority shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation of such territory to such county water authority fixed by said board of directors as hereinabove authorized. Upon the filing in his office of the aforesaid certificate of proceedings the Secretary of State shall, within ten (10) days, issue his certificate, reciting the filing of said papers in his office and the annexation of such territory to such county water authority. The Secretary of State shall transmit the original of his said certificate to the secretary of such county water authority and shall forward a certified copy thereof to the county clerk of the county in which such county water authority is situated.

Same

(e) Should the corporate area or all portions thereof already included within a county water authority, of any water district or city the corporate area of which, in whole or in part, already is included within such county water authority as a separate unit, annex to a water district or city the corporate area of which, in whole or in part, already is a part of such county water authority as a separate unit, upon the completion of such annexation pursuant to the law pertaining thereto, the water district or city, the corporate area (or portions thereof) of which is so annexed, shall automatically cease to be a separate unit member of said county water authority but said corporate area (or portions thereof) shall remain a part of said county water authority as a part of the unit member water district or city to which it was annexed. The governing body of the water district or city to which such annexation is effected, or other officer thereof having the duty of certifying the proceedings resulting in such annexation, shall file a duplicate of such certificate with the board of directors of such county water authority.

(1) Should any water district or city the corporate area of which, in whole or in part, already is included within a county water authority as a separate unit, consolidate with a water district or city the corporate area of which, in whole or in part, already is a part of such county water authority as a separate unit, under the provisions of any law by the terms of which, after consolidation, a new district or city will result and the former water districts or cities participating in such consolidation shall no longer exist, the resulting new water district or city shall be substituted for the water districts or cities whose corporate existence has been terminated by the consolidation as a unit member of said county water authority, and said corporate areas (or portions thereof) of such former water districts or cities shall remain a part of said county water authority as a part of such unit member water district or city resulting from such consolidation. The governing body of the water district or city resulting from such consolidation, or other officer thereof having the duty of certifying the proceedings resulting in such consolidation, shall file a duplicate of such certificate with the board of directors of such county water authority.

Same

(f) The validity of any proceedings for the annexation to any authority organized hereunder, of the corporate area of a water district or city as a separate unit, or of territory annexed to, or consolidated with, a water district or city which, as a unit, shall have been included within such authority, shall not be contested in any action unless such action shall have been brought within three months after the completion of such annexation, or, in case such annexation is completed prior to the time that this paragraph takes effect, then within three months after this paragraph shall have become effective.

(g) Whenever territory is annexed to or consolidated with any water district, the corporate area of which, as a unit, shall have become a part of any county water authority organized

hereunder, irrespective of whether such territory is annexed to and becomes a part of such county water authority, or whenever territory is annexed to any city under the conditions mentioned in subparagraph (1) or subparagraph (2) of paragraph (b) of this section, or whenever territory previously annexed to any city is annexed to such county water authority under the conditions mentioned in said subparagraph (2) of paragraph (b) of this section, the governing or legislative body, or clerk thereof, of such water district or city, shall file with the board of directors of such county water authority a statement of the change of boundaries of such water district or city, setting forth the legal description of the boundaries of such water district or city, as so changed, and of the part thereof within such county water authority, which statement shall be accompanied by a map or plat indicating such boundaries.

(h) The inclusion in a county water authority of the corporate area, in whole or in part, of any municipal water district, municipal utility district, public utility district, county water district, irrigation district, or other public corporation or agency of the State of California of similar character, referred to in Section 2 of this act, shall not destroy the identity or legal existence or impair the powers of any such municipal water district, municipal utility district, public utility district, county water district, irrigation district, or other public corporation or agency of the State of California of similar character, notwithstanding the identity of purpose or substantial identity of purpose of such county water authority.

Same

(i) In determining the number of members of the board of directors of a county water authority organized hereunder, and the number of votes to be cast by such directors, from the component public agencies, the corporate areas of which, in whole or in part, are included as units within such county water authority, there shall be considered only the assessed valuation of the property taxable for authority purposes lying in such public agencies and in such authority. Such directors shall be appointed by the chief executive officers, with the consent and approval of the governing bodies, of such component public agencies, respectively, without regard to whether any such chief executive officers or members of such governing bodies have been chosen from, or represent, areas of their respective public agencies which lie outside of such county water authority. The phrase "any water district, the corporate area of which is included within said authority" and the phrase "each city, the area of which shall be a part of any authority incorporated hereunder," and like phrases, used elsewhere in this act, shall be deemed to mean and refer to any water district or city, the corporate area of which either in whole or in part, is included within such county water authority, but the duties and obligations of such county water authority shall extend only to that part of the corporate area of such water district or city which shall lie within such county water authority. As to

any such water district, city or public agency, the corporate area of which lies partly within and partly without such county water authority, the word "therein" and the phrase "within such city" and like words and phrases, used elsewhere in this act, shall be deemed to mean and refer to that part of the corporate area of such water district, city or public agency which lies within such county water authority. The charges for water supplied by such county water authority to any component public agency, pursuant to its request, shall be and become an obligation of such public agency, irrespective of whether the entire corporate area of such public agency is included within such county water authority, and such authority in administrative and contractual matters shall deal with the chief executive officers and governing bodies and other proper officials of such component public agencies as chosen or constituted under applicable laws governing the respective public agencies.

CHAPTER 1237

An act to amend Section 1430 of the Probate Code, relating to estates of minors.

In effect September 9, 1953

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

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

SECTION 1. Section 1430 of the Probate Code is amended to read:

Payment of minor's estate to parent

1430. If a minor has no guardian of his estate, money belonging to the minor not exceeding the sum of one thousand dollars ($1,000) or other property belonging to the minor not exceeding one thousand dollars ($1,000) in value may be paid or delivered to a parent of the minor entitled to the custody of the minor to hold for the minor, upon written assurance verified by the oath of such parent that the total estate of the minor does not exceed two thousand five hundred dollars ($2,500) in value; and the written receipt of such parent shall be an acquittance of the person making such payment of money or delivery of other property.

CHAPTER 1238

An act to amend Section 1532 of the Probate Code, relating to sales on credit by a guardian.

In effect September 9, 1953

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

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

SECTION 1. Section 1532 of the Probate Code is amended to read:

1532. All sales must be for cash or for part cash and part deferred payments, the credit in no case to exceed 10 years from the date of sale, and the terms being subject to the approval of the court. When real property is sold upon deferred payments, the guardian must demand and receive from the purchasers, notes, and a mortgage or deed of trust on the property sold, with such additional security as the court deems necessary and sufficient to secure the prompt payment of the amounts so deferred, and the interest thereon. The mortgage or deed of trust herein provided for shall be subject only to encumbrances existing at date of sale and such other encumbrances as the court shall approve.

Sales by guardians

CHAPTER 1239

An act to amend Section 787 of the Probate Code, relating to sales on credit by an executor or administrator.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 787 of the Probate Code is amended to read:

787. If a sale is made upon a credit, the executor or administrator must take the note or notes of the purchaser for the unpaid portion of the purchase money, with a mortgage or deed of trust on the property to secure their payment, which mortgage or deed of trust shall be subject only to encumbrances existing at date of sale and such other encumbrances as the court shall approve.

Credit sales by executors or administrators

CHAPTER 1240

An act to add Section 7701.5 to the Business and Professions Code, relating to solicitation or acceptance of bonus.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 7701.5 is added to the Business and Professions Code, to read:

7701.5. Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing the purchase of flowers from any particular florist or dealer in flowers, for use in connection with a funeral service, constitutes a ground for disciplinary action.

Solicitation, etc., ground for disciplinary action

CHAPTER 1241

An act to amend Section 6661 of the Welfare and Institutions Code, relating to the collection of money due patients in state hospitals.

In effect September 9, 1953

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

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

SECTION 1. Section 6661 of the Welfare and Institutions Code is amended to read:

Collection by superintendent of money due patients in state hospitals

6661. When a person who is a patient of a state hospital in the Department of Mental Hygiene has no guardian and has money due or owing to him, the total amount of which does not exceed the sum of one thousand dollars ($1,000), the superintendent of the institution of which the person is a patient may collect any money so due or owing upon furnishing to the person, representative, officer, body or corporation in possession of or owing any such sums, an affidavit executed by the superintendent or acting superintendent. The affidavit shall contain the name of the institution of which the person is a patient, and the statement that the total amount of such sums known to be due to the person does not exceed the sum of one thousand dollars ($1,000). Payments from retirement systems maintained by the State or other public agencies which are due or owing to such patients may also be collected by the superintendent of the institution of which the person is a patient, upon the furnishing of an affidavit executed by the superintendent or acting superintendent, containing the name of the institution of which the person is a patient and the statement that such person is entitled to receive payments from such retirement system. Such sums shall be delivered to the superintendent and shall be deposited by him in the patients' personal deposit fund as provided in Section 6657 of this code.

The receipt of such superintendent shall constitute sufficient acquittance for any payment of money made pursuant to the provisions of this section and shall fully discharge such person, representative, officer, body or corporation from any further liability with reference to the amount of money so paid.

The superintendent of each institution shall render such reports and accounts annually or more often as may be required by the Department of Mental Hygiene or the Department of Finance of all moneys of patients deposited in the patients' personal deposit accounts of the institution.

CHAPTER 1242

An act to amend Sections 3017 and 955 of, and to add Section 955.1 to, the Civil Code, relating to the assignment of accounts receivable and the transfer of things in action.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 3017 of the Civil Code is amended to read:

3017. In this chapter:

Definitions

(1) "Account" means a debt, due or to become due, arising out of the sale, storage, transportation, care, repair, processing, manufacture or other improvement of tangible personal property, or arising out of a contract therefor, or arising out of the rendition of personal services which in the regular course of business will result in an open book account; provided, however, that "account" does not include:

(a) Any debt evidenced by or arising under a judgment, note, bill of exchange, acceptance, chattel mortgage, trust receipt, lease, or contract of conditional sale (meaning a deferred payment contract reserving title in the seller);

(b) Any debt which arises from the sale of tangible personal property or from the sale or assignment of the rents, issues, profits, products, proceeds or increase of tangible personal property, if at the time of the assignment of such debt the assignee is the owner of an encumbrance or a lien upon the said personal property, which lien or encumbrance has been duly perfected against third persons pursuant to any applicable state or federal law or is so perfected within 10 days after the assignment of such debt;

(c) Any debt arising under a contract for a work of improvement to real property as defined in Section 1182 of the Code of Civil Procedure or a public work of improvement as defined in Section 4200 of the Government Code.

(2) "Assignment" shall include any transfer, pledge, mortgage or sale.

(3) "Creditor" means a person having any claim, whether matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent.

(4) "Debt" means the indebtedness owing on an account.

(5) "Debtor" means any person by whom an account is owing to the assignor.

(6) "Filing officer" means the county recorder of the county in which the assignor has its chief place of business within this State, or if the assignor has no place of business within the State then the county recorder of the county in which the assignor resides.

(7) "Value" means any consideration sufficient to support a simple contract, including an antecedent debt or liability

where an account is taken in satisfaction thereof or as security therefor.

SEC. 2. Section 955 of the Civil Code is amended to read:

Transfer of conditional sales contract, etc., perfected against third persons

955. The transfer of a contract of conditional sale, or of an obligation to pay money represented by a chattel mortgage or trust receipt and not evidenced by a negotiable instrument, or of an obligation to pay money represented by a lease of personal property, or a nonnegotiable instrument which is a note, bill of exchange or acceptance shall be deemed perfected against third persons when such contract or evidence of indebtedness has been endorsed or assigned in writing and delivered to the transferee, whether or not notice of such assignment has been given to the obligor; but such endorsement, assignment or delivery shall not be, of itself, notice to the obligor so as to invalidate any payments made by him to the transferor.

SEC. 3. Section 955.1 is added to the Civil Code, to read:

Priorities between assignees

955.1. Except as provided in Section 955, the transfer of any right to payment, not constituting an account as defined in Section 3017 of this code and not constituting a negotiable instrument, shall be deemed perfected as against third persons upon there being executed and delivered to the transferee an assignment thereof in writing; provided, however, that as between bona fide assignees of the same right for value without notice, the assignee first giving notice thereof to the obligor in writing shall have priority; but such assignment shall not be, of itself, notice to the obligor so as to invalidate any payments made by him to the transferor.

CHAPTER 1243

An act to add Section 153.3 to Chapter 1 of Division 2 of the Agricultural Code, relating to replacement nursery stock.

In effect September 9, 1953

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

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

SECTION 1. Section 153.3 is added to Chapter 1 of Division 2 of the Agricultural Code, to read:

Replacing nursery stock

153.3. Whenever an eradication area has been proclaimed as provided in Section 108 with reference to a species of fruit flies and involving the removal of host plants thereof, the director may enter into an agreement with the owner of such host plants to remove and replace same with suitable nursery stock in lieu of treatment.

Any expenditures for such replacement nursery stock shall not exceed an amount budgeted for the purpose or approved by the Director of Finance.

CHAPTER 1244

An act to amend Section 474 of the Code of Civil Procedure, relating to defendants who are sued by fictitious names.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 474 of the Code of Civil Procedure is amended to read:

474. When the plaintiff is ignorant of the name of a defendant, he must state that fact in the complaint, and such defendant may be designated in any pleading or proceeding by any name, and when his true name is discovered, the pleading or proceeding must be amended accordingly; provided, that no default or default judgment shall be entered against a defendant so designated, unless it appears that the copy of the summons or other process, or, if there be no summons or process, the copy of the first pleading or notice served upon such defendant bore on the face thereof a notice stating in substance: "To the person served: You are hereby served in the within action (or proceeding) as (or on behalf of) the person sued under the fictitious name of (designating it)." The certificate or affidavit of service must state the fictitious name under which such defendant was served and the fact that notice of identity was given by endorsement upon the document served as required by this section. The foregoing requirements for entry of a default or default judgment shall be applicable only as to fictitious names designated pursuant to this section and not in the event the plaintiff has sued the defendant by an erroneous name and shall not be applicable to entry of a default or default judgment based upon service, in the manner otherwise provided by law, of an amended pleading, process or notice designating defendant by his true name.

Suit under fictitious name
Affidavit of service

CHAPTER 1245

An act to amend Section 546 of the Code of Civil Procedure, relating to attachment.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 546 of the Code of Civil Procedure is amended to read:

546. The officer levying the attachment must make a full inventory of the property attached, and return the same with the writ. To enable him to make such return as to debts and credits attached and other personal property not in the posses-

Levying attachment
Inventory

sion of the defendant, he must request, at the time of service, the party owing the debt or having the credit or other personal property belonging to the defendant to give him a memorandum, stating the amount and description of each, within 10 days after such service; and if such memorandum be refused, he must return the fact of such refusal with the writ. The party refusing to give the memorandum within the time specified may be required to pay the costs of any proceedings taken for the purpose of obtaining information respecting the amounts and description of such debts or credits or other personal property.

CHAPTER 1246

An act to amend Section 20921 of the Government Code, relating to the State Employees' Retirement System in respect to state service credit for federal service.

In effect September 9, 1953

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

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

SECTION 1. Section 20921 of the Government Code is amended to read:

Credit for federal service

20921. Upon compliance with the provisions of Section 20922, a member shall be credited with state service in the amount of time during which he was in federal service, and for the purposes of this part federal service so credited shall be considered state service, if the member comes within all of the following descriptions:

(a) Prior to performing the federal service, he was employed by the State.

(b) He was laid off from state service or would have been so laid off if he had not been absent in military service, because of the transfer of functions by the State to an agency of the United States Government.

(c) Subsequent to his layoff from state service he was employed by the United States Government in an agency performing functions the same as or substantially similar to those of the state agency from which he was laid off.

(d) Within six months after his separation from federal service, he was employed by a state agency.

CHAPTER 1247

An act to amend Section 108 of the Vehicle Code, relating to the organization of the Department of Motor Vehicles.

In effect September 9, 1953

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

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

SECTION 1. Section 108 of the Vehicle Code is amended to read:

108. Organization of Department. The director with the approval of the Governor shall organize the department in such manner as he may deem necessary properly to segregate and conduct the work of the department. The work of the department is hereby divided into at least four divisions, to be known respectively as the Division of Registration, the Division of Drivers Licenses, the Division of Field Office Operation, and the Division of Administration. Department organization

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CHAPTER 1248

An act to add Section 1552.6 to the Welfare and Institutions Code, relating to the location and prosecution of parents of needy children.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.] In effect September 9, 1953

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

SECTION 1. Section 1552.6 is added to the Welfare and Institutions Code, to read:

1552.6. All state, county, and local agencies shall cooperate in the location of parents who have abandoned or deserted children receiving public assistance under Division 2 of Part 2 of the code, and shall on request supply the county welfare department or the district attorney of any county in this State with all information on hand relative to the location, income, and property of such absent parents, notwithstanding any other provision of law making such information confidential. The county welfare department shall use such information only for the purposes of administration of aid to needy children, and the district attorney shall use it only for the purpose of enforcing the support liability of such absent parents, and neither shall use the information, or disclose it, for any other purpose. State, etc., agencies cooperation

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CHAPTER 1249

An act to amend Section 1500 of the Welfare and Institutions Code, relating to the definition of a needy child.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.] In effect September 9, 1953

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

SECTION 1. Section 1500 of the Welfare and Institutions Code is amended to read:

"Needy child"

1500. As used in this chapter, "needy child" means a needy person under the age of 18 years who has been deprived of parental support or care by the reason of death, continued absence from the home, or physical or mental incapacity of a parent, or a needy person under the age of 18 years who has been relinquished for adoption to an organization licensed by the State Department of Social Welfare to find homes for children and place children in homes for adoption and who subsequently has been found by the organization to be unplaceable for adoption. No child deprived of parental support because of separation or desertion shall be considered a "needy child" if the period of absence is less than three months.

A child who is otherwise eligible and who is over 16 years of age shall not be granted assistance under this chapter unless:

1. He is regularly attending school, or
2. He is disabled, or
3. He is employed and contributing to the family.

CHAPTER 1250

An act to amend Sections 1360, 3102, 3103, 3107, and 18150 of, to repeal Section 1361 of, and to add Sections 1367, 1368, and 1369 to, the Government Code, relating to oaths of office.

In effect September 9, 1953

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

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

SECTION 1. Section 1360 of the Government Code is amended to read:

Oath State officers

1360. Unless otherwise provided, before any officer enters on the duties of his office, he shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX of the Constitution of California.

SEC. 2. Section 3102 of said code is amended to read:

Civil defense workers

3102. All civil defense workers shall, before they enter upon the duties of their employment, take and subscribe to the oath or affirmation required by this chapter. In the case of intermittent, temporary, emergency or successive employments, then in the discretion of the employing agency, an oath taken and subscribed as required by this chapter shall be effective for the purposes of this chapter for all successive periods of employment which commence within one calendar year from the date of such subscription.

SEC. 3. Section 3103 of said code is amended to read:

Oath designated

3103. The oath or affirmation required by this chapter is the oath or affirmation set forth in Section 3 of Article XX of the Constitution of California.

SEC. 4. Section 3107 of said code is amended to read:

Oath condition to compensation

3107. No compensation nor reimbursement for expenses incurred shall be paid to any civil defense worker by any public

agency unless such civil defense worker has taken and subscribed to the oath or affirmation required by this chapter. It shall be the duty of the person certifying to public pay rolls to ascertain and certify that such civil defense worker has taken such oath or affirmation. Whenever there is more than one officer certifying to public pay rolls the governing body of a city or county may designate and make it the duty of a certain officer or officers to ascertain and certify that such civil defense worker has taken such oath or affirmation. The governing body of a city or county may designate and make it the duty of a local civil defense and disaster officer to ascertain and certify that each volunteer civil defense worker has taken such oath or affirmation.

Nothing in this chapter, however, shall prevent the correction of any technical error or deficiency in an oath taken pursuant to this chapter, provided such correction is made before the civil defense worker is actually paid or reimbursed.

SEC. 5. Section 18150 of said code is amended to read:

18150. The oath required by this chapter is the oath set forth in Section 3 of Article XX of the Constitution of California. Oath designated

SEC. 6. Section 1367 is added to said code, to read:

1367. No compensation nor reimbursement for expenses incurred shall be paid to any officer by any public agency unless he has taken and subscribed to the oath or affirmation required by this chapter. Oath condition to compensation

SEC. 7. Section 1368 is added to said code, to read:

1368. Every person who, while taking and subscribing to the oath or affirmation required by this chapter, states as true any material matter which he knows to be false, is guilty of perjury, and is punishable by imprisonment in the state prison not less than one nor more than fourteen years. False statements Perjury

SEC. 8. Section 1369 is added to said code, to read:

1369. Every person having taken and subscribed to the oath or affirmation required by this chapter, who while holding office, advocates or becomes a member of any party or organization, political or otherwise, that advocates the overthrow of the Government of the United States by force or violence or other unlawful means, is guilty of a felony, and is punishable by imprisonment in the state prison not less than one or more than fourteen years. Membership in subversive organizations Penalty

SEC. 9. Section 1361 of said code is repealed. Repeal

CHAPTER 1251

An act to amend Section 35307 of, and to add Section 35006 to, the Government Code, relating to annexation of uninhabited territory to cities.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.] In effect September 9, 1953

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

SECTION 1. Section 35006 is added to the Government Code, to read:

Annexation of uninhabited territory

35006. When uninhabited territory is annexed, proceedings may be had under Article 3 or Article 5 of this chapter.

SEC. 2. Section 35307 of said code is amended to read:

Time of hearing

35307. The hearing shall be held not less than 15 nor more than 50 days after the passage of the resolution.

CHAPTER 1252

An act to relinquish to the City and County of San Francisco any and all right, title and interest of the State of California in and to all those portions of Louisiana and Georgia Streets between 24th and 25th Streets, within the boundaries of the salt marsh and tidelands in San Francisco, California, and removing all restrictions as to the use or disposition thereof by said City and County of San Francisco, and repealing all acts and parts of acts in conflict herewith.

In effect September 9, 1953

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

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

Title relinquished

SECTION 1. There is hereby relinquished to the City and County of San Francisco, a municipal corporation of the State of California, its successors and assigns, any and all right, title and interest of the State of California in and to all those portions of Louisiana and Georgia Streets between 24th and 25th Streets, within the boundaries of the salt marsh and tidelands in San Francisco, California.

Vested rights

SEC. 2. Said City and County of San Francisco is hereby vested with the unqualified right to own, hold, use, sell, lease, or otherwise dispose of, said streets or street areas without restriction of any kind except as may now or hereafter be set forth in its charter.

Repeal

SEC. 3. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 1253

An act to amend Section 460 of the Streets and Highways Code, relating to state highways.

In effect September 9, 1953

[Approved by Governor June 20, 1953. Filed with Secretary of State June 22, 1953.]

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

SECTION 1. Section 460 of the Streets and Highways Code is amended to read:

Route 160

460. Route 160 is from Route 2 to Route 162 in the Hollywood area, Los Angeles.

CHAPTER 1254

An act to amend Section 1352 of the Labor Code, relating to hours of labor for women.

[Approved by Governor June 19, 1953. Filed with Secretary of State June 23, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1352 of the Labor Code is amended to read:

1352. The provisions of this article in relation to hours of employment shall not apply to or affect graduate nurses in hospitals, or clinical laboratory technologists or clinical laboratory technicians in hospitals during an emergency; provided, that any such technologist or technician who, by reason of an emergency, is permitted or required by her employer to work in excess of the maximum hours prescribed by other provisions of this article, shall be paid, for time worked in excess of such hours, at a rate of not less than one and a half times her straight time rate of pay, nor the harvesting, curing, canning, or drying of any variety of perishable fruit, fish, or vegetable during the periods when it is necessary to harvest, cure, can, or dry fruit, fish, or vegetables to prevent spoiling, nor to employees actually engaged in the processing of biologicals, human blood products and other such products of laboratories operating under license from either or both the United States Department of the Treasury and the United States Department of Agriculture during such periods when it is necessary to continue the processing of such products to prevent spoilage or deterioration. Emergency within the meaning of this section means an unpredictable or unavoidable occurrence at unscheduled intervals, requiring immediate action. The exception provided herein shall be effective only in cases where the employer, upon learning of the emergency, exercises reasonable diligence to provide immediately relief for the employee required to work over the prescribed number of hours.

Emergency work exception

CHAPTER 1255

An act to add Section 11661.5 to the Insurance Code, relating to workmen's compensation.

[Approved by Governor June 19, 1953. Filed with Secretary of State June 23, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 11661.5 is added to the Insurance Code, to read:

11661.5. An insurer shall not insure an employer against his liability for additional compensation arising out of injuries

Illegally employed persons

to illegally employed persons under 16 years of age, as provided for by Part 2, Division 4 of the Labor Code.

CHAPTER 1256

An act to amend Sections 5313, 5315, 5800.5, and 5908.5 of the Labor Code, relating to workmen's compensation.

In effect September 9, 1953

[Approved by Governor June 19, 1953. Filed with Secretary of State June 23, 1953.]

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

SECTION 1. Section 5313 of the Labor Code is amended to read:

Notification, etc., to parties

5313. The commission, a panel, every referee or commissioner shall, within 30 days after the case is submitted, make and file findings upon all facts involved in the controversy and an award, order, or decision stating the determination as to the rights of the parties. Together with the findings, decision, order or award there shall be served upon all the parties to the proceedings a summary of the evidence received and relied upon and the reasons or grounds upon which the determination was made. The findings, decision, order, or award, if made by the commission or a panel, shall be signed by a majority of the commission or the panel.

SEC. 2. Section 5315 of said code is amended to read:

Confirmation, modification, etc

5315. Within sixty (60) days after the filing of the findings, decision, order or award, the commission may confirm, adopt, modify or set aside the findings, order, decision, or award of a commissioner or referee and may, with or without further proceedings, and with or without notice, enter its order, findings, decision, or award based upon the record in the case.

SEC. 3. Section 5800.5 of said code is amended to read:

Date period begins to run

5800.5. The 30-day period specified in Section 5313, shall run from the date of the submission of the application for decision and the provisions requiring the decision within such 30-day period shall be deemed mandatory and not merely directive.

SEC. 4. Section 5908.5 of said code is amended to read:

Written decisions

5908.5. Any decision of the commission as a whole or of a panel thereof denying a petition for reconsideration or affirming, rescinding, altering, or amending the original findings, order, decision, or award following reconsideration shall be in writing, signed by a majority of the commission or of the panel, and shall state the reasons for the decision or shall specifically adopt reasons already stated by a commissioner or referee.

CHAPTER 1257

An act to amend Section 69750 of the Government Code, relating to expenses of judges.

[Approved by Governor June 19, 1953. Filed with Secretary of State June 23, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 69750 of the Government Code is amended to read:

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.

Expenses allowed

Whenever a judge of a municipal court within a county is assigned to sit as a judge of the superior court of said county, he shall be regularly assigned to duty at the county seat or at a city outside the county seat by the presiding judge, and shall thereupon be entitled to the benefits of this section.

CHAPTER 1258

An act to add Section 5072.5 to the Public Resources Code, relating to the abandonment of easements acquired for riding and hiking trails, and flood purposes.

[Approved by Governor June 19, 1953. Filed with Secretary of State June 23, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 5072.5 is added to the Public Resources Code, to read:

5072.5. The State Park Commission may abandon any easement, or portion thereof, which has been acquired for trail or flood purposes, and which is no longer necessary for such purposes.

Abandonment of easements

CHAPTER 1259

An act to add Section 5473a to the Health and Safety Code, relating to the authority of cities, cities and counties, sanitary districts, county sanitation districts, or sewer maintenance districts.

In effect September 9, 1953

[Approved by Governor June 19, 1953. Filed with Secretary of State June 23, 1953.]

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

SECTION 1. Section 5473a is added to the Health and Safety Code, to read:

Delinquent charges

5473a. Any entity may make the election specified in Section 5473 with respect only to delinquent charges and may do so by preparing and filing the written report, giving notice and holding the hearing therein required only as to such delinquencies.

CHAPTER 1260

An act to amend Section 12808 of the Public Utilities Code, relating to municipal utility districts.

In effect September 9, 1953

[Approved by Governor June 19, 1953. Filed with Secretary of State June 23, 1953.]

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

SECTION 1. Section 12808 of said code is amended to read:

Construction by district

12808. A district may construct works across or along any street or public highway, or over any of the lands which are the property of the State, and it shall have the same rights and privileges appertaining thereto as are granted to municipalities within the State. The district shall restore any such street or highway to its former state as near as may be, and in compliance with local ordinances, and shall not use it in a manner to unnecessarily impair its usefulness. A district may also construct its works across any stream or watercourse.

CHAPTER 1261

An act to add Article 6 to Chapter 2, Part 11, Division 11, of the Water Code, relating to irrigation districts.

In effect September 9, 1953

[Approved by Governor June 19, 1953. Filed with Secretary of State June 23, 1953.]

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

SECTION 1. Article 6 is added to Chapter 2 of Part 11 of Division 11 of the Water Code, to read:

Article 6. Modification or Elimination of Conditions

26995. At any time after an order for inclusion becomes final and at least 120 days before a general election, the board may determine, by resolution, that the modification or elimination of all or part of any conditions contained in an order including land would be for the best interests of the district and would not work an injury as to either the land subject to the conditions to be modified or the remaining land in the district. Modification, elimination of conditions

26996. Upon the adoption of the resolution, the secretary shall give notice thereof in the same manner and for the time as notices of bond elections are required to be given, except that the notice need not be posted in three public places. Notice

26997. The notice shall contain: Contents

(a) A description of the land as to which the conditions of inclusion are to be modified.

(b) The specific conditions of inclusion that are proposed to be modified or eliminated as contained in the order of inclusion.

(c) The conditions of inclusion as they will be after the modification or elimination of the conditions proposed to be modified or eliminated.

(d) The time that a hearing will be held thereon.

(e) An announcement that any person interested in the proposed modification or elimination of conditions 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 conditions should not be modified or eliminated.

26998. The time of the hearing specified in the notice shall be the regular meeting of the board next after the giving of the notice is complete. Time of hearing

26999. If a majority of holders of title to the land as to which the conditions of inclusion are to be modified or eliminated, who also hold title to more than one-half of the area thereof; or if a majority of the holders of title to the remaining land in the district, who also hold title to more than one-half of the area thereof, file objections in writing to the modification or elimination of the conditions, further proceedings under the resolution shall not be taken. Objections. Further proceedings prohibited

27000. The board, after the hearing, may, if objections sufficient to terminate the proceedings are not filed, submit at the next general election, or at a special election, a proposal for the modification or elimination of all or part of the conditions of inclusion. Proposal for modification of conditions

27001. The notice of the election shall contain, in addition to other requirements, the following: Notice of election

(a) A description of the land as to which the conditions of inclusion are to be modified.

(b) The specific conditions of inclusion that are proposed to be modified or eliminated as contained in the order of inclusion.

(c) The conditions of inclusion as they will be after the modification or elimination of the conditions proposed to be modified or eliminated.

Election procedure

27002. If the proposal is to be submitted at a special election, the notice of election shall be given and the election shall be held and conducted, its returns made and canvassed, and its results ascertained and declared in substantially the manner prescribed for a bond election.

Ballots

27003. The ballots at the election shall briefly state the proposed modification or elimination of conditions of inclusion and shall contain "for modification" and "against modification" or words equivalent thereto. The proposal may be submitted upon a separate ballot.

Counting votes

27004. At any election where a proposal is submitted for the modification or elimination of conditions contained in an order of inclusion, the votes upon the proposal shall be separately counted in the area wherein the conditions are proposed to be modified or eliminated and in the remaining area of the district.

Majority of votes against modification

27005. If a majority of the votes upon the proposal in either the area in which the conditions of inclusion are proposed to be modified or eliminated, or the remainder of the district are against the modification or elimination of the conditions, the conditions may not be modified or eliminated and shall remain as they are in the order of inclusion.

Majority of votes favor modification

27006. If a majority of the votes upon the proposal in the area in which the conditions of inclusion are to be modified or eliminated and a majority of the votes upon the proposal in the remaining area of the district are in favor of the modification or elimination of the conditions of inclusion, the board shall thereupon order that the conditions be modified or eliminated in accordance with the proposal.

Certified copy of order filed

27007. A certified copy of the order modifying or eliminating all or any part of the conditions contained in an order including land shall be filed for record with the county recorder of the county in which the affected land is situated 30 days after its adoption and shall be final upon such filing.

CHAPTER 1262

An act to amend Section 73b of the Code of Civil Procedure and to add Sections 24250.1 and 69748.1 to the Government Code, relating to holding sessions of the superior court in places other than the county seat.

In effect September 9, 1953

[Approved by Governor June 19, 1953. Filed with Secretary of State June 23, 1953.]

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

SECTION 1. Section 73b of the Code of Civil Procedure is amended to read:

Superior court sessions

73b. In addition to the sessions of superior courts provided for in Sections 73 and 142 of this code, or any amendment of

either of said sections, at least one session of the superior court shall be held: (1) in each city containing a population of not less than 20,000 as ascertained by the last preceding census taken under the authority of the Congress of the United States, or the Legislature of the State of California, wherein the city hall is not less than 30 miles distant from the site of the county courthouse; (2) in each city containing a population of not less than 50,000 as ascertained by the last preceding census taken under the authority of the Congress of the United States, or the Legislature of the State of California, wherein the city hall is not less than six miles distant from the site of the county courthouse; (3) in each city wherein the city hall is not less than 18 miles from the site of the county courthouse and which has a population of not less than 10,000, and within the 10-mile radius from the city hall of which there is a population of not less than 50,000, if 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 said 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; (4) in each city wherein the city hall is not less than 70 miles from the site of the county courthouse and which has a population of not less than 5,000 and within the 30-mile radius from the city hall of which there is a population of not less than 26,000, if there are residing in the county at least 40 miles from the county courthouse not less than 34,000 persons, some of whom would be required to travel 80 miles to attend court at said city and at least 70 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, such populations being ascertained by the latest population determination as made under the authority of the Congress of the United States, or the Legislature of the State of California.

SEC. 2. Section 69748.1 is added to the Government Code, to read:

69748.1. 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 70 miles from the site of the county courthouse.

(b) The city has a population of not less than 5,000.

(c) Within the 30-mile radius from the city hall there is a population of not less than 26,000.

(d) There are residing in the county at least 40 miles from the county courthouse not less than 34,000 persons, some of whom would be required to travel 80 miles to attend court at such city and at least 70 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.

SEC. 3. Section 24250.1 is added to said code, to read:

24250.1. Sheriffs and clerks shall also have offices in each city in which a regular session of the superior court is held

Sheriffs and clerks offices

pursuant to law. This section does not authorize the establishment of offices in cities in which extra sessions of the superior court are held.

Effect. Stats 1953, Ch 206

SEC. 4. Section 2 of this act becomes operative only if Title 8 of the Government Code is enacted by the Legislature at the 1953 Regular Session, and in such case at the same time as said Title 8 takes effect; at which time Section 73b of the Code of Civil Procedure is hereby repealed.

CHAPTER 1263

An act declaring the land conveyed to the City of Martinez by Chapter 442 of the Statutes of 1929 unavailable for navigation, commerce and fisheries, excluding such land from the public trust for navigation, commerce and fisheries, and declaring such land to be free from certain trusts, uses and conditions.

In effect September 9, 1953

[Approved by Governor June 20, 1953. Filed with Secretary of State June 23, 1953.]

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

Land declared free from public use

SECTION 1. It is hereby declared by the Legislature of the State of California that the land heretofore granted to the City of Martinez by Chapter 442 of the Statutes of 1929 in furtherance of navigation, commerce, and fisheries, and more particularly described as follows: Beginning at a point on the south shore of the Straits of Carquinez in the County of Contra Costa, State of California, at the line of high tide, said point being two thousand four hundred eighty-seven and fifteen hundredths feet north and six thousand eight hundred five and twenty-one hundredths feet west of the quarter corner on the east line of section thirteen, township two north, range three west, Mount Diablo base and meridian, said point also being on the south line of tideland survey number thirty-two as per patent thereof from the State of California, to L. B. Mizner, dated June 14, 1877, as per amended map thereof on file in the Office of the State Surveyor General and the Office of the Recorder of the County of Contra Costa, State of California, five hundred seventy-six and thirty-one hundredths feet west of the most easterly corner of said tideland survey number thirty-two; thence running along the south line of said tideland survey, east five hundred seventy-six and thirty-one hundredths feet to the most easterly corner thereof; thence along the line of low tide, south seventy-three degrees fifty-seven minutes fifteen seconds east one thousand four hundred ninety and seventy-seven hundredths feet; thence north eighty-nine degrees twenty-two minutes forty-five seconds east, one thousand seven hundred and eighty-nine hundredths feet to the west line of tideland survey number four produced northerly as per State of California patent thereof to Oliver C. Coffin, dated November 15, 1867;

thence running along the west line of said tideland survey number four, south no degrees thirty-seven minutes fifteen seconds east, one thousand three hundred fifty and no one hundredths feet to a point on the line of high tide, and from which point the center of a curve to the right with a radius of six thousand two hundred six and forty-six hundredths feet bears north twenty degrees twenty minutes thirty-six seconds east; thence running along the line of high tide and said curve in a westerly direction, five hundred fifty and ninety-one hundredths feet; thence, tangent to said curve, north sixty-four degrees thirty-four minutes fifteen seconds west, three thousand five hundred fifteen and fifty hundredths feet; thence on a curve to the left with a radius of five thousand seven hundred seventy-three and sixty-one hundredths feet, and tangent to last mentioned course, forty-six and fifty-six hundredths feet to the point of beginning, containing an area of fifty-two and seventy-two hundredths acres of land, more or less, are hereby determined to be unavailable for navigation, commerce, or fisheries or for any of the uses, trusts and conditions as set out in Chapter 442 of the Statutes of 1929 and the lands comprising the above described area are hereby declared to be free from the public use for navigation, commerce, and fisheries and from the uses, trusts and conditions set out in such act.

CHAPTER 1264

An act to add Section 21332.5 to the Government Code, relating to the State Employees' Retirement System in respect to the manner of payment of benefits under optional settlement one.

[Approved by Governor June 19, 1953. Filed with Secretary of State June 23, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 21332.5 is added to the Government Code, to read:

Payment of contributions to beneficiary: Election by member

21332.5. (a) A member who elects to receive optional settlement one may further elect by a writing filed with the board to have all or part of the balance of his accumulated contributions remaining at his death and payable to his beneficiary or estate paid in accordance with either of the following subsections:

(1) In monthly installments, fixed in number or amount and not involving life contingency, subject to such rules as the board may adopt. Regular interest shall be credited on the unpaid balance of benefits payable.

(2) In equal monthly installments for the life of the beneficiary, with 120 installments certain.

Election by beneficiary

(b) If a member dies without having made an election under subdivision (a) of this section, his beneficiary, after the death of the member and prior to the payment to him of the balance of

the member's accumulated contributions payable to the beneficiary upon the death of the member, or any part thereof, may elect by a writing filed with the board to have the said balance paid to him in the manner provided in subsection (1) of subdivision (a) of this section.

Time of payment

(c) When an election has been made to have all or part of the said balance of accumulated contributions paid in accordance with subsection (1) or subsection (2) of subdivision (a) of this section, the first of such installments shall be paid on the first day of the month next following the date when the said balance would otherwise be payable, and one of such installments shall be paid on the first day of each month thereafter. Such monthly installments shall be the actuarial equivalent of the amount of the said balance to be paid in installments, on the date that the said balance would otherwise be payable.

Commuted payment

No installments shall be commuted and paid in one sum unless the death of the beneficiary occurs during the period certain for which payments of the monthly installments are guaranteed; and in that event only payments due monthly during the remainder of the period certain shall be commuted, and such commutation shall be based on the rate of interest then being used under the retirement system, and the commuted value shall be paid to the estate of the beneficiary, unless a contingent beneficiary has been named and qualifies to receive the balance of the guaranteed installments.

The board may provide that any election by a member or by a beneficiary under the provisions of this section is void if the amount of the monthly installment is less than the minimum amount fixed by the board.

Operative date

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.

CHAPTER 1265

An act to amend Section 199 of the Streets and Highways Code, relating to funds available for city streets, declaring the urgency thereof and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor June 20, 1953. Filed with Secretary of State June 23, 1953.]

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

SECTION 1. Section 199 of the Streets and Highways Code is amended to read:

Approval of plans, etc

199. Before expending any such funds for construction, or improvement of any street except for preliminary engineering, the city must furnish to the department for approval such surveys, plans, specifications, and estimates of cost therefor as

the department may require. When the department has approved the plans, specifications, and estimates, the city may proceed to advertise for bids. The written consent of the department must be secured before any contract may be awarded for an amount in excess of the estimates of cost, or to other than the low bidder on the grounds that the low bidder is not responsible, or before the work may be done by day's labor. Bids

The written consent of the department must likewise be obtained before the amount of any item specified in the budget for maintenance or acquisition of real property is exceeded. Consent to exceed budget

Where a city causes or has caused contemplated work to be performed by another public agency, federal, state or local, the city and the department may by agreement provide for the information to be submitted and the procedure to be followed in connection with the approval by the department of the expenditures.

Where a city has failed through inadvertence to follow the requirements of this section in making any expenditures of such funds, it may petition the Director of Public Works for approval of the expenditure. The Director of Public Works, after a finding by the State Highway Engineer that the expenditure would have been authorized had information been submitted as required herein, and that the failure to comply with this section was by inadvertence, may approve such expenditure. Failure to follow requirements

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 several instances the federal agencies in connection with certain projects which affect major city streets have arranged by agreement to improve such streets but the procedure followed by the Federal Government does not permit the city to comply with the provisions of Section 199 of the Streets and Highways Code unless amended as provided by this act. In order that the necessary work may be gotten under way in conformity with federal procedure, it is necessary that this act take effect immediately. Urgency

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CHAPTER 1266

An act to amend Section 583 of the Vehicle Code, relating to parking.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 23, 1953.] In effect September 9, 1953

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

SECTION 1. Section 583 of the Vehicle Code is amended to read:

583. Moving Vehicle From One Place to Another on a Highway. (a) Whenever any peace officer finds a vehicle stand- Moving vehicle on highway

ing upon a highway in violation of Section 582 hereof, such officer may move such vehicle or require the driver or other person in charge of the vehicle to move the same to the nearest available position off the paved or improved or main traveled portion of such highway.

(b) Any state, county or city authority charged with the maintenance of any highway may move any vehicle which is disabled or abandoned or which constitutes an obstruction to traffic from the place where located on a highway to the nearest available position on the same highway as may be necessary to keep the highway open or safe for public travel.

(c) Any peace officer may move a vehicle which is parked or left standing on a highway in violation of Section 586 to the nearest available location on a highway in the vicinity where parking is permitted or in the event that a parking location is not available in the vicinity then such vehicle may be removed to a place and under the procedure as provided in Section 585.

(d) Whenever a peace officer finds a vehicle standing upon a street in violation of a traffic ordinance enacted by local authorities to prevent flooding of adjacent property, such officer may move such vehicle or require the driver or person in charge of the vehicle to move the same to the nearest available location in the vicinity where parking is permitted.

CHAPTER 1267

An act to amend Section 554 of the Vehicle Code, relating to yielding the right of way.

In effect September 9, 1953

[Approved by Governor June 19, 1953. Filed with Secretary of State June 23, 1953.]

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

SECTION 1. Section 554 of the Vehicle Code is amended to read:

Approach of emergency vehicle.

554. Conduct of Drivers, Motormen and Pedestrians on Approach of Authorized Emergency Vehicles. Upon the immediate approach of an authorized emergency vehicle sounding a siren and having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle:

Other vehicles

(1) The driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and thereupon stop and remain in such position until such authorized emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

Street cars

(2) The motorman of every street car shall immediately stop such car clear of any intersection and keep it in such position

until the authorized emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

(3) All pedestrians upon the highway shall remain in a place of safety or proceed to the nearest curb or place of safety until such authorized emergency vehicle has passed, except when otherwise directed by a police or traffic officer. Pedestrians

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CHAPTER 1268

An act to amend Sections 428.5 and 585 of the Vehicle Code, relating to sale of certain vehicles by lienholder.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 23, 1953]

In effect September 9, 1953

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

SECTION 1. Section 428.5 of the Vehicle Code is amended to read:

428.5. Sale of Certain Vehicles by Lienholder. Where the vehicle subject to the lien is appraised at a value not exceeding seventy-five dollars ($75) by an officer or employee of the department, the lienholder may sell such vehicle at public sale, upon the giving of notice as provided in this section. At least 10 days before the sale, the lienholder shall notify the legal owner, the registered owner, and the department by registered mail of the time and place of the sale. At least 10 days before the sale, the lienholder shall also post a notice of the sale in a conspicuous place on the premises where the vehicle is stored, giving the date of the sale and a description of the vehicle, including the make, model, type, and license number. Public sale by lienholder

SEC. 2. Section 585 of said code is amended to read:

585. When Officers Authorized to Remove Vehicles From Highways. (a) It is unlawful for any peace officer or any unauthorized person to remove any unattended vehicle from a highway to a garage or from said highway to any other place, except as provided in this section. Removal of vehicles from highways

(b) 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 a highway 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 only under the circumstances hereinafter enumerated.

(1) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.

(2) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impracticable to move

such vehicle from in front of the driveway to another point on the highway.

(3) When any vehicle is found upon a highway 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.

(4) When any such officer has reasonable ground to believe that any vehicle upon a highway has been abandoned.

(5) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injuries incapacitated to such an extent as to be unable to provide for its custody or removal.

(6) When an officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is by this code or other law required to take the person arrested immediately before a magistrate.

(7) When a vehicle is illegally parked on a highway in violation of local ordinance forbidding standing or parking and the use of a highway or a portion thereof is necessary for repair, construction, the installation of underground utilities or where the use of the highway or any portion thereof is authorized by local authorities for a purpose other than the normal flow of traffic; or for the movement of equipment, articles or structures of unusual size; and the parking of such vehicle would prohibit or interfere with such use or movement and signs are erected or placed at least 24 hours prior to the removal by local authorities pursuant to ordinance.

Notice to owner

(c) Whenever an officer removes a vehicle from a highway as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle or from the registration records of the department the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal, the grounds thereof and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage a copy of such notice shall be given to the proprietor of such garage.

Owner unknown: Report

(d) Whenever an officer removing a vehicle from a highway under this section does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as hereinbefore provided and in the event the vehicle is not returned to the owner within a period of 120 hours, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the department at Sacramento and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such report shall be made on a form furnished by the department and shall include a complete description of the vehicle, the date, time and place from which removed, the grounds for such removal and the name of the garage or place where the vehicle is stored.

(e) The department upon receiving a notice as herein- Notice by department
before provided of the removal of any vehicle from a highway shall notify the registered and legal owner in writing at the addresses of such persons as shown by the records of the department, if the vehicle is registered in this State, of the removal of such vehicle, and give the name of the police officer reporting such removal, the grounds upon which the removal was authorized and the location of the vehicle. If the vehicle is not registered in this State, the department shall make reasonable effort to notify the legal or registered owner of the removal and location of the vehicle.

(f) Whenever any vehicle has been removed to a garage Garage keeper's lien
under the provisions of this section and the keeper of such garage has received the notice or notices from the arresting officer as provided herein, said keeper shall have a lien dependent upon possession for his compensation for towage and for caring for and keeping safe such vehicle for a period not exceeding 90 days and, if said vehicle is not recovered by the owner within said 90 days or the owner is unknown, the keeper of said garage may satisfy his lien in the manner and after giving the notices required in Sections 427, 428, and 429 of this code. Notwithstanding the provision of this subdivision, if the vehicle is appraised at a value not exceeding seventy-five dollars ($75) by an officer or employee of the department, the keeper of the garage may, if the vehicle is not recovered by the owner within 40 days or the owner is unknown, satisfy his lien as provided in Section 428.5 of this code.

CHAPTER 1269

An act to amend Sections 2117 and 2285 of the Business and Professions Code, relating to the State Board of Medical Examiners.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 23, 1953.] In effect September 9, 1953

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

SECTION 1. Section 2117 of the Business and Professions Code is amended to read:

2117. The board shall fix the salary of the secretary-treas- Secretary-treasurer Compensation
urer, with the approval of the Director of Finance, and the sum to be paid the members of the board, which shall not exceed thirty dollars ($30) per diem each, for each and every day of actual service in the discharge of official duties.

This service includes the attendance at special meetings and committee meetings and service while actively engaged in the review of examination papers, based upon one per diem for each 30 papers or fraction thereof.

In addition to his salary, the secretary-treasurer shall be entitled to the same per diem compensation as the other mem-

bers for attendance at meetings of the board and its committees and for service while actively engaged in the review of examination papers.

Each member of the board shall make a certification before some duly authorized person that the service has been actually performed. The board may add necessary traveling expenses. The secretary-treasurer shall be entitled to traveling and other expenses necessary in the performance of his duties.

SEC. 2. Section 2285 of said code is amended to read:

Disclosing examination material Removal from office

2285. All questions on any subject in which a written examination is required under this chapter shall be provided by the board upon the morning of the day upon which the examination is given. If it is shown that the secretary-treasurer or any member of the board has in any manner given information in advance of or during the examination to any applicant, the Governor shall remove him from the board or from the office of secretary-treasurer.

CHAPTER 1270

An act to repeal Section 8640 of, and amend Sections 8636 and 8644 of, and to add Section 8640 to, the Business and Professions Code, relating to structural pest control.

In effect September 9, 1953

[Approved by Governor June 20, 1953. Filed with Secretary of State June 23, 1953.]

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

SECTION 1. Section 8640 of the Business and Professions Code is repealed.

SEC. 2. Section 8636 of said code is amended to read:

Grounds for disciplinary action

8636. Wilful and deliberate disregard and violation of the buildings laws of the State, or of any of its political subdivisions, or of the safety laws, labor laws, health laws, or compensation insurance laws of the State relating to the practice of structural pest control is a ground for disciplinary action.

SEC. 3. Section 8644 of said code is amended to read:

8644. Fraud or wilful misrepresentation, after inspection, by any licensee engaged in pest control work of any infestation or infection of wood destroying pests or organisms found in property or structures, or respecting any conditions of the structure that would ordinarily subject structures to attack by wood destroying pests or organisms, whether or not a report was made pursuant to Sections 8516 and 8517 of this code, is a ground for disciplinary action.

SEC. 4. Section 8640 is added to said code, to read:

8640. Payment, or the offer to pay, by any licensee to any party to a real estate transaction of any commission, bonus, rebate, or other thing of value as compensation or inducement for the referral to such licensee of pest control work arising out of such transaction is a ground for disciplinary action.

CHAPTER 1271

An act to amend Section 51a of the Public Utility District Act of 1921, to amend Section 17332 of, and to add Section 15507 to, the Public Utilities Code, relating to public utility districts.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 23, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 51a of the act cited in the title hereof is amended to read:

Annexation of contiguous unincorporated territory

Sec. 51a. Unincorporated territory contiguous to the district may be annexed to said district in the manner following:

Petition

(1) A petition signed by not less than 15 percent of the qualified electors residing in the territory proposed to be annexed, describing said territory and asking that proceedings be taken for its annexation, may be addressed to the board of directors and filed with the secretary of the district. Thereupon the secretary shall compare the signatures of said petition with the affidavits of registration on file with the county clerk of the county or counties wherein said territory proposed to be annexed is situated, and if he finds that said petition has been signed by the required number of electors he shall attach his signature thereto and present said petition to the board of directors of the district.

In the event that the territory is wholly uninhabited, a petition filed by not less than 15 percent of the owners of the territory proposed to be annexed describing said territory and asking that proceedings be taken for its annexation may be addressed to the board of directors and filed with the secretary of the district. The secretary shall thereupon determine if such petitioners are owners of such territory by the records of the county assessor of the county wherein said territory proposed to be annexed is situated and if he finds that said petition has been signed by the required number of owners, he shall attach his signature thereto and present said petition to the board of directors of the district.

Determination by board

(2) If the board of directors shall determine that the annexation of said territory will facilitate the acquisition, construction or completion or operation of any public utility, public utilities or public utility works of the district, or will be for the advantage of the said district, and that the territory proposed to be annexed will be benefited by such annexation, then said board shall determine the terms and conditions upon which said annexation should be made. In the terms and conditions so determined provision may be made, among other things, for the payment of special taxes within the territory to be annexed in addition to the taxes elsewhere in this act provided for, the fixing of rates, rentals and charges differing from those fixed, or existing elsewhere, within the utility district, the incurring or assumption of indebtedness or the making of a payment

or payments, or the transfer of property, real or personal, or other assets to said utility district by the territory proposed to be annexed, in such manner as the board of directors shall deem just 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. Such terms and conditions shall become effective and be binding upon the utility district and upon the territory to be annexed when approved in the manner hereinafter set forth.

The boundaries of the territory proposed to be annexed need not be coterminous with any election precincts.

Ordinance Notice of hearing

(3) The board of directors of said utility district shall by ordinance describing the territory proposed to be annexed, and setting forth such terms and conditions at length, declare its intention of approving such annexation and terms and conditions. Said ordinance, together with a notice fixing the time and place for hearing thereon, and notifying all persons interested in or that may be affected by the proposed annexation of said territory within the district to appear at such meeting and show cause in writing, if any they have, why said territory or any of it should not be annexed as proposed in said petition, shall be published in a newspaper of general circulation printed and published in said utility district, or if there be no such newspaper then in some newspaper of general circulation printed and published in the county where such district or some part thereof is situated. A copy of said ordinance and notice shall be filed with the secretary of said utility district. The time fixed for such hearing shall be not less than 30 nor more than 60 days from the date of the first publication of said ordinance. Said 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 said meeting.

Hearing Protests

At such hearing any person interested may file with the board of directors of the utility district written protest to the proposed annexation or to the approval of such terms and conditions. Upon such hearing the board of directors of the utility district shall hear and determine all protests so filed and all evidence relevant thereto; said board shall thereupon determine whether said territory shall be annexed and shall determine upon what terms and conditions, if any, said annexation shall be made.

Hearing by supervisors

In the event such written protests are filed by the owner or owners of taxable property in the territory proposed to be annexed, the board of directors shall refer said 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 said protests after notice given in the manner hereinabove in Section 5 of this act provided. At such hearing, the board of supervisors may, if they find and determine that the property described in said protests will not be substantially benefited by annexation to the said district, notify the board of directors of said district that such property shall not be annexed to said

district, and the board of directors shall take the necessary steps to exclude said property from the territory proposed to be annexed.

Failure to protest

Failure of any person interested in said utility district or in the matter of the proposed annexation on the terms and conditions set forth in said ordinance to show cause by written protest as aforesaid, shall be deemed and taken as an assent on his part to a change in the boundaries in the utility district upon the terms and conditions, if any, set forth.

Any such 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 adjourning fixing the time and place that such meeting shall reconvene.

Approval of proposed annexation

In the event that the board of directors after such hearing by resolution approves proposed annexation of the territory described in said petition with or without terms or conditions, and said annexation is also approved either by a written consent containing a description of the territory proposed to be annexed and setting forth the terms and conditions, if any, of such annexation signed by a majority of the electors who were registered in the territory to be annexed at the date of the presentation of the petition or petitions for annexation, which written consent is filed with the secretary of the board who shall thereupon verify the signatures thereon in the same manner as the signatures to the petitions for annexation are required to be verified by the provisions of subdivision (1) of this section. or if said territory be uninhabited, by the owners of a majority of the assessed valuation of said territory, or by a majority vote in favor of annexation at an election called and held as hereinafter in this section provided within the territory proposed to be annexed; it shall make an order describing the boundaries of said territory proposed to be annexed and also describing the exterior boundaries of the district as they shall exist after said annexation. For the purposes of said order the board may cause a survey to be made of said boundaries or such portions thereof as may be deemed necessary. Said order shall also set forth in detail the conditions and terms, if any, of the annexation. Said order shall be set forth in full upon the minutes of the board.

Election

(4) The board of directors, after its approval of said annexation by resolution as hereinbefore provided may call an election to determine whether said annexation is approved by the electors of said territory proposed to be annexed, but before calling such 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 such election in case such annexation be disapproved by such election.

Notice

In calling such election the board shall fix the time at which such election shall be held and cause notice thereof to be given and published. Such notice shall be given and published and such election shall be held and conducted and 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 said act in case of a special election to determine whether bonds of a public utility district shall be issued. The ballots cast at such 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 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 such annexation.

Election result

At such election only electors registered at the time of the presentation of the petition for annexation and who at the time of said election are still electors in said territory shall be qualified to vote. If at such election a majority of all the votes cast on the proposition shall be against such annexation the board shall order that the petition be denied and shall proceed no further in that matter, but if a majority of such votes be in favor of such annexation the board shall thereupon in the manner provided in subdivision (3) of this section order that the annexation be made.

Filing of order

(5) Upon the making of such order changing the boundaries of the district as aforesaid a copy of the order of the board of directors ordering such change certified by the president and secretary of the board shall be filed for record in the recorder's office in each county within which the district and any part thereof and within which the territory annexed or any part thereof is situated, and thereupon the district, including the territory annexed, shall be and remain a public utility district as fully and to every intent and purpose as if the lands which are included in the district by the change of the boundaries as aforesaid had been included therein at the original organization of the district, except that this provision shall not modify or impair the terms and conditions upon which said annexation shall be made.

Resolution for annexation recorded in minutes

(6) Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the resolution aforesaid; and the said minutes, or a certified copy thereof, shall be admissible in evidence, with the same effect as the petition.

Re-establishment of boundaries, precincts

(7) In case land is annexed to any district as aforesaid, the board of directors thereof shall, but not less than 30 days before any election in such district, re-establish the boundaries of the units and election precincts within such district, so as to include such land therein in the same manner and with the same effect as set forth in Section 12 hereof. In case of the annexation of any land less than 30 days before an election within such district, the inhabitants of the lands so included shall not be entitled to vote at such election.

SEC. 2. Section 17332 of the Public Utilities Code is amended to read:

Resolution for annexation recorded in minutes

17332. Upon the filing of the copies of the order with the county recorders, the secretary shall record the resolution 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.

SEC. 3. Section 15507 is added to Article 1, Chapter 1, Division 7 of the Public Utilities Code, to read:

15507. "Person" means an individual, a firm or a copartnership. "Person"

SEC. 4. Section 2 of this act becomes operative only if the Public Utilities Code is enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as Division 7 of said code takes effect, at which time Section 1 of this act is repealed. Effect Stats 1953, Ch 72

CHAPTER 1272

An act to amend Sections 250.1 and 252 of the Unemployment Insurance Act (Chapter 352 of the Statutes of 1935) and Sections 2708 and 2710 of the Unemployment Insurance Code, relating to claims for disability compensation.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 23, 1953.] In effect September 9, 1953

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

SECTION 1. Section 250.1 of the Unemployment Insurance Act is amended to read:

Sec. 250.1. Claims for the benefits provided in Section 209 of this act shall be made in accordance with authorized regulations but such claims must be supported by a certificate signed by the physician of the claimant stating the date the physician ordered such confinement and the duration thereof; provided, that 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 thereof signed by the registrar of the hospital shall satisfy the requirements of this section. Physician's certificate required

SEC. 2. Section 252 of the Unemployment Insurance Act is amended to read:

Sec. 252. The commission shall require for each uninterrupted period of disability that the first claim for unemployment compensation 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 by California state law, acting within the scope of his practice, stating the medical facts within his knowledge, his conclusion with respect to the disability of the claimant and his opinion with respect to probable duration thereof; provided, that 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;

Exceptions

provided, that 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; and provided further, that with respect to any eligible claimant who 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. 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 commission 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.

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. 5. Sections 3 and 4 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 becomes operative, at which time Sections 250.1 and 252 of the Unemployment Insurance Act amended by this act are repealed.

CHAPTER 1273

An act to amend Section 72603 of the Government Code, relating to sessions of court in a city which might be constituted a separate municipal court judicial district pursuant to Article VI, Section 11 of the Constitution.

In effect September 9, 1953

[Approved by Governor June 20, 1953. Filed with Secretary of State June 23, 1953.]

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

SECTION 1. Section 72603 of the Government Code is hereby amended to read as follows:

Regular session of municipal court

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.

CHAPTER 1274

An act to amend Section 10204 of the Education Code, relating to driver education in secondary schools.

[Approved by Governor June 19, 1953. Filed with Secretary of State June 23, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 10204 of the Education Code is amended to read:

Secondary school automobile driver instruction

10204. (a) From and after the effective date of this amendment the governing board of each district maintaining a secondary school shall provide automobile driver education for pupils enrolled in the regular full time day secondary schools in the district. Such driver education shall be given in one of the grades 9, 10, 11, or 12 in every such secondary school but need not be given in any such secondary school which terminates with the ninth or tenth grade. Such driver education shall be given all such pupils prior to graduation from the twelfth grade except as otherwise permitted under this section.

(b) A pupil who has completed such driver education in any secondary school shall not be required to repeat such driver education in another secondary school in the same or another district.

(c) The governing board of a district may grant such exemptions as it determines to be desirable in respect to twelfth grade pupils who transfer to a school in such district in which driver education is given in a lower grade.

(d) Notwithstanding the foregoing provisions of this section the governing board of a school district may make application to the State Department of Education for a partial or total exemption during each succeeding school year in respect to one or more of the schools in the district from the requirement that the district maintain automobile driver education in the school or schools named in the application. The application may be granted by the State Department of Education only when it determines upon the basis of the application that it is not practical for good and sufficient reasons to maintain driver education in any designated school or schools.

CHAPTER 1275

An act to amend Section 86 of the Unemployment Insurance Act (Chapter 352, Statutes 1935) and Section 317 of the Unemployment Insurance Code, relating to the Department of Employment.

[Approved by Governor June 19, 1953. Filed with Secretary of State June 23, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 86 of the Unemployment Insurance Act is amended to read:

Field investigating staff

Sec. 86. The director shall maintain a field investigating staff whose function shall embrace investigation throughout the State of all violations of this act, to the end that the provisions of this act are more adequately and strictly enforced.

NOTE: The section of the Unemployment Insurance Code affected by this chapter appears in its proper place in that code, Chapter 308 of Statutes of 1953, as required by Section 9762 of the Government Code.

Effect Stats 1953, Ch 308

SEC. 3. Section 2 of this act shall become operative at the same time as the Unemployment Insurance Code, and at that time Section 86 of the Unemployment Insurance Act, as amended by this act, is repealed.

CHAPTER 1276

An act to add Section 11531 to the Business and Professions Code, relating to subdivision maps.

In effect September 9, 1953

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

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

SECTION 1. Section 11531 is added to the Business and Professions Code, to read:

Tenatative subdivision map

11531. Any person, firm, corporation, partnership, or association who proposes to subdivide any property located outside the boundaries of any city, may file a tentative map of the proposed subdivision with the advisory agency of such city (or with the clerk of the governing body of such city if there is no advisory agency). The tentative map may, in the discretion of the advisory agency or governing body of the city, be acted upon in the manner provided in Article 4 of this chapter, except that if it is approved such approval shall be conditioned upon annexation of the property to such city within such period of time as shall be specified by the advisory agency or governing body of the city.

Final approval

No final map or record of survey map, based on such a tentative map, shall be approved or filed of record as provided in this chapter until annexation of such property to the city has been completed. If annexation is not completed within the time specified or any extension thereof then the approval of such tentative map shall be null and void. No subdivision of unincorporated territory may be effected by approval of a tentative map by the advisory agency or governing body of a city unless annexation thereof to the city is completed prior to the approval or filing for record of the final map thereof or the filing for record of an approved record of survey map thereof.

CHAPTER 1277

An act to add Section 1550.5 to the Welfare and Institutions Code, relating to restoration of aid to needy children.

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1550.5 is added to the Welfare and Institutions Code, to read:

Restoration of aid to needy children

1550.5. Whenever a former recipient of aid under this chapter whose aid has been canceled or discontinued for any cause requests restoration of aid before the expiration of one year from the effective date of such cancellation or discontinuance and if it is determined that he is eligible therefor, aid shall be granted to him in accordance with provisions of Section 1550. No new application shall be required if restoration of aid is requested in the county where aid was canceled or discontinued.

CHAPTER 1278

An act to add Section 2180.6 to the Welfare and Institutions Code, relating to the procedure for restoration of aid under the Old Age Security Law.

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2180.6 is added to the Welfare and Institutions Code, to read:

Restoration of aged aid

2180.6. Whenever a former recipient of aid under this chapter whose aid has been canceled or discontinued for any cause, except employment, requests restoration of aid before the expiration of one year from the effective date of such cancellation or discontinuance and if it is determined that he is eligible therefor, aid shall be granted to him in accordance with provisions of Section 2180.5. No new application shall be required if restoration of aid is requested in the county where aid was canceled or discontinued.

CHAPTER 1279

An act to add Section 2800 to the Unemployment Insurance Code, relating to disability benefits.

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

In effect September 9, 1953

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

NOTE. The section of the Unemployment Insurance Code affected by this chapter appears in its proper place in that code, Chapter 308 of the Statutes of 1953, as required by Section 9762 of the Government Code.

CHAPTER 1280

An act to amend Section 404 of the Education Code, relating to compensation of county superintendent of schools.

In effect September 9, 1953

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

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

SECTION 1. Section 404 of the Education Code is amended to read:

San Diego County Superintendent of Schools Salary

404. The annual salary of the county superintendent of schools of a county of the fourth class is fifteen thousand dollars ($15,000), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 1281

An act to amend Section 13861 of the Education Code, relating to salaries of certificated employees.

In effect September 9, 1953

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

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

SECTION 1. Section 13861 of the Education Code is amended to read:

School district employees Salary deductions

13861. The governing board of each school district when drawing an order for the salary payment due to employees of the district, shall without charge reduce the order by the amount which it has been requested in a revocable written authorization by the employee to deduct for the purpose of paying premiums on any policy or certificate of group life insurance for the benefit of the employee or for group disability insurance, or both, for the benefit of the employee or his dependents issued by an admitted insurer on a form of policy or certificate approved by the Insurance Commissioner, or for the purpose of paying rates, dues, fees, or other periodic charges on any hospital service contract for the benefit of the employee, or his dependents, issued by a nonprofit hospital service corporation on a form approved by the Insurance Commissioner pursuant to the provisions of Chapter 11A of Division 2 of the Insurance Code. The governing board of the district shall each month draw its order upon the funds of the district in favor of the insurer which has issued the policies or certificates or in favor of the nonprofit hospital service corporation which has issued hospital service contracts, for an amount equal to the total of the premium deductions made during the month.

CHAPTER 1282

An act to amend Section 1002 of the Education Code, relating to school district governing boards.

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1002 of the Education Code is amended to read:

1002. The number of school trustees for any school district, except where city boards are otherwise authorized by law, shall be three except as provided in this section for elementary school districts.

School district trustees:

Whenever the average daily attendance of an elementary school district becomes 300 or more, the governing board of the elementary school district shall either (a) by its own action determine that the number of members of the board shall be increased to five, in which case two additional trustees shall be elected at the next regular election of trustees, or (b) submit the question of whether the number of members of the board shall be increased to five to the electors of the elementary school district at the next regular election of trustees. At the same election at which the question of increasing the number of trustees is submitted to the electors, the electors shall elect two additional trustees, to take office if the number of trustees is increased to five.

Additional members

Of the two additional electors so elected, the one receiving the larger number of votes shall hold office for two years from July 1st succeeding the election, and the one receiving the less number of votes shall hold office for one year from July 1st succeeding the election, and until the election and qualification of their respective successors who shall hold office for three years. Thereafter the number of 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 shall be elected at the same time when the terms of their predecessors terminate in the same year.

Terms of office

CHAPTER 1283

An act to amend Section 1721 of the Labor Code, relating to public works.

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1721 of the Labor Code is amended to read:

"Political subdivision"

1721. "Political subdivision" includes any county, city, district, township, public housing authority, or public agency of the State, and assessment or improvement districts.

CHAPTER 1284

An act to add Section 35004 to the Government Code, relating to the annexation to, or incorporation within, a city of territory owned by a junior college district.

In effect September 9, 1953

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

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

SECTION 1. Section 35004 is added to the Government Code, to read:

Annexations restricted

35004. No territory comprising lands owned by a junior college district and acquired by such district prior to July 1, 1952, through a conveyance from the board of supervisors of the county in which such territory is situated pursuant to Section 25560 of the Government Code, shall be annexed to, or become a part of, any city without the consent of the governing board of the junior college district.

Anything in this code to the contrary notwithstanding, territory surrounding lands owned by a junior college district and acquired by such district prior to July 1, 1952, pursuant to the provisions of Section 25560, may be annexed to a city.

CHAPTER 1285

An act to add Section 868.05 to the Welfare and Institutions Code, relating to the discharge of probation officers from accountability for the collection of amounts due to counties for the care and maintenance of wards of the juvenile court.

In effect September 9, 1953

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

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

SECTION 1. Section 868.05 is added to the Welfare and Institutions Code, to read:

Discharge from accountability

868.05. In any case in which the probation officer is charged with the duty of collecting amounts payable to the county under this article, upon the verified application of the probation officer the board of supervisors may make an order discharging the probation officer from further accountability for the collection of any such amount in any case as to which the board determines that the amount is too small to justify the cost of collection or that the collection of such amount is improbable for any

reason. Such order is authorization for the probation officer to close his books in regard to such item, but such discharge of accountability of the probation officer does not constitute a release of any person from liability for payment of any such amount which is due and owing to the county. The board may request a written opinion from the district attorney or county counsel as to whether any particular amount owed to the county is too small to justify the cost of collection or whether collection of any particular item is improbable.

CHAPTER 1286

An act to add Section 721.5 to the Welfare and Institutions Code, relating to juvenile court proceedings.

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 721.5 is added to the Welfare and Institutions Code, to read:

721.5. The provisions of Chapter 8 of Title 6 of Part 2 of the Code of Civil Procedure relating to variance and amendment of pleadings in civil actions shall apply to petitions and proceedings under this chapter, to the same extent and with the same effect as if proceedings under this chapter were civil actions, except that a petition filed with the approval of the probation officer shall not be amended without the approval of the probation officer unless on his motion, or unless the court orders the amendment without such approval.

Variance and amendment of pleadings

CHAPTER 1287

An act to amend Section 494 of the Agricultural Code, relating to the qualifications of dairy inspection examination candidates.

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 494 of the Agricultural Code is amended to read:

494. No person shall be eligible to take such examination unless he possesses one of the following qualifications:

Dairy inspector Examination qualifications

(a) Education equivalent to graduation from a veterinary college of recognized standing at time of graduation or education equivalent to graduation from an agricultural college with

specialization in studies relating to dairy farms, milk products plants or milk and milk products; or

(b) Three years of experience in the production, processing or quality control of milk or the products thereof together with education equivalent to completion of the twelfth grade and the possession by the candidate of a two-year certificate in agriculture evidencing completion of major study in dairy industry subjects at an agricultural college of recognized standing; or

(c) Three years of experience in a public agency in inspection and enforcement work pertaining to dairy farms or milk and milk products.

CHAPTER 1288

An act to amend Section 14704 of the Health and Safety Code, relating to finance and taxation.

In effect September 9, 1953

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

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

SECTION 1. Section 14704 of the Health and Safety Code is amended to read:

Raising district funds limited

14704. The amount of money to be raised for the purpose of maintaining a district each year shall not exceed 1 percent of the assessable property within the district.

CHAPTER 1289

An act to amend Section 57 of the Unemployment Insurance Act, and to amend Section 1253 of the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 9, 1953

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

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

SECTION 1. Section 57 of the Unemployment Insurance Act is amended to read:

Eligibility requirements

Sec. 57. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that:

(a) A claim for benefits with respect to such week has been made in accordance with such regulations as the commission may prescribe.

(b) He has registered for work, and thereafter continued to report, at a public employment office or such other place as the commission may approve, except that 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 such week, and had made such effort to seek work on his own behalf as may be required in accordance with such regulations as the commission shall prescribe.

(d) He has been unemployed for a waiting period of one week. No week shall be counted as a week of unemployment for the purposes of this subsection:

(1) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits; provided, that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment; and provided further, that the week immediately preceding a benefit year, if part of one uninterrupted period of unemployment which continues into such benefit year shall be deemed (for the purposes of this subsection only) to be within such benefit year as well as within the preceding benefit year.

(2) If benefits have been paid with respect thereto.

(3) Unless the individual was eligible for benefits with respect thereto in all respects, except for the requirements of this subsection (d) and Section 53.

NOTE: The section of the Unemployment Insurance Code affected by this chapter appears in its proper place in that code, Chapter 308 of 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 57 of the Unemployment Insurance Act, as amended by this act, is repealed.

Effect Stats. 1953, Ch. 308

CHAPTER 1290

An act to repeal Title 10a, comprising Sections 1650 to 1681, inclusive, of Part 3 of the Code of Civil Procedure, and to add a new Title 10a, comprising Sections 1650 to 1690, inclusive, to Part 3 of said code, providing a civil and criminal procedure for enforcement of the duties of support.

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

In effect September 9, 1953

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

SECTION 1. Title 10a, comprising Sections 1650 to 1681, inclusive, of Part 3 of the Code of Civil Procedure, is repealed.

Repeal

SEC. 2. Title 10a, comprising Sections 1650 to 1690, inclusive, is added to Part 3 of said code, to read:

TITLE 10a. UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT

CHAPTER 1. GENERAL PROVISIONS

Short title

1650. This title is known and may be cited as the Uniform Reciprocal Enforcement of Support Act.

Interpretation, construction

1651. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Purposes

1652. The purposes of this title are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

Definitions

1653. As used in this title unless the context requires otherwise,

(1) "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

(2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(3) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(4) "Court" means the superior court and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(5) "Law" includes both common and statute law.

(6) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial separation, separate maintenance or otherwise.

(7) "Obligor" means any person owing a duty of support.

(8) "Obligee" means any person to whom a duty of support is owed.

(9) "Prosecuting official" means the district attorney, city attorney, or city prosecutor charged with the prosecution of criminal offenses in the city or other area in which the obligor is alleged to be present.

Remedies are additional

1654. The remedies provided in this title are in addition to and not in substitution for any other remedies.

Obligor bound

1655. Duties of support arising under the law of this State, when applicable under Section 1670, bind the obligor, present in this State, regardless of the presence or residence of the obligee.

CHAPTER 2. CRIMINAL ENFORCEMENT

Governor's powers

1660. The Governor of this State (1) may demand from the Governor of any other state the surrender of any person found in such other state who is charged in this State with the crime of failing to provide for the support of any person in this State

and (2) may surrender on demand by the Governor of any other state any person found in this State who is charged in such other state with the crime of failing to provide for the support of a person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or other state.

Obligor relieved by submission

1661. Any obligor contemplated by Section 1660, who submits to the jurisdiction of the court of such other state and complies with the court's order of support, shall be relieved of extradition for desertion or nonsupport entered in the courts of this State during the period of such compliance.

CHAPTER 3. CIVIL ENFORCEMENT

Duties enforceable

1670. Duties of support enforceable under this title are those imposed or imposable under the laws of any state where the alleged obligor was present during the period for which support is sought or where the obligee was present when the failure to support commenced, at the election of the obligee.

Reimbursement enforcement

1671. Whenever the State or a political subdivision thereof furnishes support to an obligee, it has the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support.

Jurisdiction

1672. All duties of support are enforceable by action irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the superior court.

Complaint Contents, verified

1673. The complaint shall be verified and shall state the name and, so far as known to the plaintiff, the address and circumstances of the defendant and his dependents for whom support is sought and all other pertinent information. The plaintiff may include in or attach to the complaint any information which may help in locating or identifying the defendant including, but without limitation by enumeration, a photograph of the defendant, a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints, or social security number.

Prosecuting official may represent plaintiff

1674. The prosecuting official may, upon the request of the court, represent the plaintiff in any proceeding under this title

Minor's complaints

1675. A complaint on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as guardian ad litem.

Procedure of this State Initiating state

1676. If the court of this State acting as an initiating state finds that the complaint sets forth facts from which it may be

determined that the defendant owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, it shall so certify and shall cause three copies of (1) the complaint, (2) its certificate, and (3) this act to be transmitted to the court in the responding state. If the name and address of such court are unknown and the responding state has an information agency comparable to that established in the initiating state it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.

Initiating or responding state

1677. A court of this State acting either as an initiating or responding state may in its discretion direct that any part of or all fees and costs incurred in this State shall be waived, including without limitation by enumeration, fees for filing, service of process, seizure of property, and stenographic service of both plaintiff and defendant, or either. Where the action is brought by or through the State or an agency thereof, there shall be no filing fee, library fee, or reporter's fee.

Detention of defendant

1678. When the court of this State, acting either as an initiating or responding state, has reason to believe that the defendant may flee the jurisdiction it may (a) as an initiating state request in its certificate that the court of the responding state obtain the body of the defendant by appropriate process if that be permissible under the law of the responding state; or (b) as a responding state, obtain the body of the defendant by appropriate process.

State information agency

1679. The Attorney General is hereby designated as the state information agency under this title, and it shall be its duty:

(1) To compile a list of the courts and their addresses in this State having jurisdiction under this title and transmit the same to the state information agency of every other state which has adopted this or a substantially similar law.

(2) To maintain a register of such lists received from other states and to transmit copies thereof as soon as possible after receipt to every court in this State having jurisdiction under this title.

Action by this State as responding state

1680. When the court of this State, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall (1) docket the cause, (2) notify the prosecuting official, (3) set a time and place for a hearing, and (4) take such action as is necessary in accordance with the laws of this State to obtain jurisdiction.

Unable to obtain jurisdiction of defendant

1681. If a court of this State, acting as a responding state, is unable to obtain jurisdiction of the defendant or his property due to inaccuracies or inadequacies in the complaint or otherwise, the court shall communicate this fact to the court in the initiating state, shall on its own initiative use all means at its disposal to trace the defendant or his property, and shall hold the case pending the receipt of more accurate information or an amended complaint from the court in the initiating state.

1682. The court shall conduct proceedings under this title in the manner prescribed by law for an action for the enforcement of the type of duty of support claimed. Court proceedings

1683. If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order. Support or reimbursement

1684. The court of this State when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or for reimbursement therefor. Copy of orders to initiating state

1685. In addition to the foregoing powers, the court of this State when acting as the responding state has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular Additional power of court

(a) To require the defendant to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant.

(b) To require the defendant to make payments at specified intervals to the probation officer of the county or the obligee and to report personally to such probation officer at such times as may be deemed necessary.

(c) To punish the defendant who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

1686. The court of this State when acting as a responding state shall have the following duties which may be carried out through the probation officer of the county:

(a) Upon the receipt of a payment made by the defendant pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(b) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the defendant.

1687. The court of this State when acting as an initiating state shall have the duty which may be carried out through the probation officer of the county to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state. Duty as initiating state

1688. Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this title. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage. Privilege of husband and wife inapplicable

1689. Any order of support issued by a court of this State when acting as a responding state shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid Payments under one order credited against another

pursuant to either order shall be credited against amounts accruing or accrued for the same period under both.

Jurisdiction limited

1690. Participation in any proceedings under this title shall not confer upon any court jurisdiction of any of the parties thereto in any other proceeding.

Severability clause

SEC. 3. If any provision hereof or the application thereof to any person or circumstance 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 declared to be severable.

CHAPTER 1291

An act to amend Sections 5050, 5050.1, 5050.8, and 5100 of the Welfare and Institutions Code, relating to the procedure for commitment of mentally ill persons.

In effect September 9, 1953

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

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

SECTION 1. Section 5050 of the Welfare and Institutions Code is amended to read:

Examination, care, etc., of mentally ill

5050. Whenever it appears, by petition pursuant to this chapter, to the satisfaction of a judge of the superior court in any county that any person therein is mentally ill, and in need of supervision, treatment, care or restraint the judge shall so far as consistent with Section 5156 of this code, make such orders as may be necessary to provide for examination into the state of mental health of the person, and for the safekeeping, necessary medical treatment, care or restraint of the person, pending hearing, in the county psychopathic hospital, in his own home, in a state hospital, or in such other place as will afford access to medical examiners for the purpose of examination and suitable provision for the safety and comfort of the person. The judge shall by order appoint two medical examiners to make a personal examination of the person and to report thereon to the court.

If the judge is satisfied that the person is sufficiently mentally ill that examination should be made into the state of his mental health, the judge shall issue an order notifying the person to submit to examination at such time and place as designated by the judge. The order for examination shall be served as provided in Section 5050.2 by a peace officer or counselor in mental health of the county at least one day before the time fixed for the examination. The person shall be permitted to remain in his home or other place of domicile pending the examination, and shall be permitted to be accompanied by one or more of his relatives or friends to the place of examination.

If it appears to the judge from a certificate of a licensed physician and surgeon dated not more than three (3) days prior to

the presentation of the petition and filed with the court, certifying that he has examined the person and is of the opinion the person is mentally ill, and because of his illness is likely to injure himself or others if not immediately hospitalized or detained, or if it otherwise affirmatively appears that said person is likely to injure himself or others, the judge may issue and deliver to a peace officer or counselor in mental health of the county an order directing that the person be forthwith detained in a place designated in the order for examination and hearing as provided in this chapter. The judge may issue a similar order if the person fails or refuses to appear for examination when notified

SEC. 2. Section 5050.1 of said code is amended to read:

5050.1. The order for examination or detention shall be in substantially the following form: Form of order

IN THE SUPERIOR COURT OF THE
STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF _____

The People For the Best Interest and Protection of _____ As a Mentally Ill Person and Concerning _____and _____ Respondents	ORDER FOR EXAMINATION OR DETENTION

The People of the State of California to

_____ :
(peace officer, counselor in mental health)

The petition of _____ having been presented this day to me, a judge of the superior court in and for the County of _____, State of California, from which it appears that there is now in this county, at _____, a person by the name of _____, who is mentally ill and in need of supervision, treatment, care or restraint.

And it satisfactorily appearing to me that said person is sufficiently mentally ill and in need of supervision, treatment, care or restraint, that examination should be made into the state of his mental health, and hearing held, if demanded, to determine the supervision, treatment, care or restraint, if any, necessary for his best interest and protection, and the protection of the people.

I do hereby appoint _____ and _____ as medical examiners to make a personal examination of _____, the person alleged to be mentally ill, and to report thereon to the court, pursuant to Section 5055 of the Welfare and Institutions Code.

* Now, therefore, you are commanded to notify said _____, to submit to an examination into the state of his mental health at _____ on or before the _____ day of _____, that

thereafter he may be taken before a judge of the superior court in this county for examination and hearing to determine the measures to be taken for the best interest and protection of said _____, as a mentally ill person, as provided by law.

* And it affirmatively appearing to me that said person is sufficiently mentally ill that he is likely to injure himself or others if not immediately hospitalized or detained, you are therefore commanded to forthwith detain said _____, or cause him to be detained for examination and hearing, pending the further order of the judge, at _____, and there be cared for in a humane manner as a mentally ill person and provided with any medical treatment deemed necessary to his physical well-being.

* And it satisfactorily appearing to me that said person has failed or has refused to appear for examination when notified by order of this court, you are therefore commanded to forthwith detain said _____ or cause him to be detained for examination and hearing, pending the further order of the judge, at _____, and there be cared for in a humane manner as a mentally ill person.

I hereby direct that a copy of this order together with a copy of the said petition be delivered to said person or his representative at the time of his notification; and I further direct that this order may be served at any hour of the night.

Witness my hand, this _____ day of _____, 19___.

_____

Judge of the Superior Court

* Strike out when not applicable.

RETURN OF ORDER

Form of return

I hereby certify that I received the above order for examination or detention, and on the _____ day of _____, 19___, served it by notifying and delivering to said _____ personally, or to his representatives, to wit, _____, a copy of the order and of the petition, * or by apprehending said person and causing h____ to be detained for examination and hearing and for humane care as an alleged mentally ill person at _____; until further ordered and directed by the judge.

* I hereby certify that prior to the service of the above order for detention and the apprehension of _____ I served notice on the person or his representatives, to wit, _____, as required under Section 5050.5 of the Welfare and Institutions Code.

Dated: _____, 19___.

_____

Signature of Officer

* Strike out when not applicable.

SEC. 3. Section 5050.8 of said code is amended to read:

Waiver, etc., of examination Action by judge

5050.8. If no demand is made for a hearing by or in behalf of the alleged mentally ill person after four days from the service of the notice, petition and orders for examination or detention as provided in this chapter, or if a hearing is waived

by the person, or by his attorney, during such four-day period, the judge may proceed immediately to determine the mental status of the alleged mentally ill person.

The judge shall consider the report of the two medical examiners appointed by the court to make a personal examination of the person and to report to the court. The judge may require other proof in addition to the petition and the report of the medical examiners.

If the judge is satisfied that the person is so mentally ill as to be in need of supervision, treatment, care or restraint, the judge may adjudge the person to be mentally ill and order the person committed or cared for as provided in Section 5100 of this code. No order for commitment to an institution for the mentally ill shall issue unless two medical examiners have personally made an examination of the person alleged to be mentally ill and have filed with the judge a report upon a form substantially as set forth in Section 5055 of this code containing the facts and circumstances upon which the judgment of the examiners is based and stating that the condition of the person examined is such as to require care and treatment in an institution for the mentally ill.

If it appears to the judge that the person is harmless and his relatives or guardian are willing or able properly to care for him at some place other than such institution, the judge may order the person to be placed in the care and custody of his relatives or guardian.

SEC. 4. Section 5100 of said code is amended to read:

Order by judge after examination

5100. If, after examination and certificate have been made as provided in Article 3 of this chapter, the judge believes that the person is either (a) of such mental condition that he is in need of supervision, treatment, care, or restraint, or (b) of such mental condition that he is dangerous to himself or to the person or property of others, and is in need of supervision, treatment, care, or restraint, the judge may adjudge the person to be mentally ill, and may, so far as is consistent with Section 5156 of this code, make and sign an order

(a) That the person be cared for and detained in a licensed sanitarium or hospital for the care of the mentally ill entitled by law to receive and care for such persons, or that the person be otherwise cared for, until the further order of the court, or

(b) That the person be committed to the Department of Mental Hygiene for placement in a state hospital designated by the court, or

(c) That the person be committed to a facility of the Veterans Administration, or other agency of the United States Government, in accordance with the provisions of Section 1663 of the Probate Code.

Form of commitment order

The order shall be in substantially the following form, and shall be filed with the clerk.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF _____

The People For the Best Interest and Protection of _____ As a Mentally Ill Person, and Concerning _____ and _____, Respondents.	Judgment of Mental Illness and Order for Care, Hospitalization or Commitment

The petition dated _____, alleging that _____ is mentally ill, having been presented to this court on the _____ day of _____, 19___, and an order of detention issued thereon by a judge of the superior court of this county, and a return of the said order;

And it further appearing that the provisions of Article 3 of Chapter 1, Part 1, Division 6 of the Welfare and Institutions Code have been complied with;

And it further appearing that Dr. _____ and Dr. _____, two regularly appointed and qualified medical examiners of this county, have made a personal examination of the alleged mentally ill person, and have made and signed the certificate of the medical examiners, which certificate is attached hereto and made a part hereof;

Now therefore, after examination and certificate made as aforesaid the court is satisfied and believes that _____ is

* (a) Of such mental condition that ___he is in need of supervision, treatment, care, or restraint, or

* (b) Of such mental condition that ___he is dangerous to h___self or to the person or property of others, and is in need of supervision, treatment, care, or restraint.

It is ordered, adjudged and decreed:

That _____ is a mentally ill person and that ___he

* (a) Be cared for and detained in _____, a licensed sanitarium or hospital for the care of the mentally ill until the further order of the court, or

* (b) Be cared for at _____, until the further order of the court, or

* (c) Be committed to the Department of Mental Hygiene for placement in a state hospital, to wit: _____ State Hospital at _____, California, or

* (d) Be committed to a facility of the Veterans Administration or other agency of the United States, to wit: _____ at _____ in accordance with the provisions of Section 1663 of the Probate Code of the State of California.

It is further ordered and directed that _____ of this county, take, convey and deliver _____ to the proper authori-

ties of the hospital or establishment designated herein to be cared for as provided by law.

Dated this _____ day of _____, 19___.

_____
Judge of the Superior Court

* Strike out when not applicable.

CHAPTER 1292

An act to amend Section 199 of the Code of Civil Procedure, relating to persons competent to act as jurors.

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 199 of the Code of Civil Procedure is amended to read:

199. (a) A person is not competent to act as a trial juror:

Persons incompetent as trial juror

1. Who does not possess the qualifications prescribed by the preceding section;

2. Who has been convicted of malfeasance in office or any felony or other high crime; or

3. Who has been discharged as a trial juror by any court of record in this State within a year, as provided in Section 200 of this code, or who has been drawn as a grand juror in any such court and served as such within a year and been discharged; or who, in a county or city and county containing a population of not less than three hundred thousand as ascertained by the last preceding census taken under the authority of the Congress of the United States, or the Legislature of the State of California, during the preceding two years shall have actually served on 20 days as a trial juror in the trial of cases in a court of record in this State; but a juror must in any event complete his service as such juror in the trial of a case in which he may be actually engaged. The clerk shall immediately remove from the jury list the name of any juror who becomes disqualified under this section

(b) A person who is serving as a grand juror in any court of record in this State is not competent to act as a trial juror in any such court. Any person who is serving as a trial juror in any court of this State is not competent to act as a grand juror in any such court. A person is not competent to act as a grand juror in any court of this State who has been discharged as a grand juror in any such court within a year.

(c) A person is not competent to act as a grand juror:

Persons incompetent as grand juror

1. Who does not possess the qualifications prescribed by the preceding section;

2. Who has been convicted of malfeasance in office or any felony or other high crime.

CHAPTER 1293

An act to repeal Chapter 358, Statutes of 1925 (the Municipal Court Act of 1925) and Section 72113 of the Government Code, relating to the organization of courts.

In effect September 9, 1953

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

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

Repeals

SECTION 1. Chapter 358, Statutes of 1925 (the Municipal Court Act of 1925) and Section 72113 of the Government Code are hereby repealed

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CHAPTER 1294

An act to amend Sections 311, 675, 1959, 2676, 2677, 2802, and the headings of Articles 1, 4, 5, and 6 of Chapter 5 of Part 1, Division 1, and the heading of Chapter 3 of Part 2, Division 1, to add Sections 134.5, 140.5, 676, and 1256 to 1263, inclusive, and to repeal Sections 2606 and 2607, and Article 3, comprising Sections 1301 to 1308, inclusive, of Chapter 5, Part 1, Division 1 of the Unemployment Insurance Code, and to add Section 451.2 to the California Unemployment Insurance Act, relating to unemployment and disability compensation.

In effect September 9, 1953

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 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.

SEC. 18. Section 451.2 is added to the California Unemployment Insurance Act, to read:

Approval of amended plan

451.2. Until January 10, 1954, the commission shall approve any amendment to a voluntary plan adjusting weekly benefit amounts as to which it finds that the plan as amended will conform to the standards set forth in Section 451 and that either of the following exist:

(a) A majority of the employees covered by the plan have consented in writing to the amendment.

(b) All of the employees covered by the plan who are adversely affected by the amendment have consented in writing to the amendment.

(c) A notice, the form of which has been approved by the commission, has been posted and circulated to the employees covered by the plan at least 10 days prior to the effective date of the proposed amendment that the plan is to be amended and of their right to withdraw from the plan.

SEC. 19. Nothing contained in Section 18 is intended to deny or limit the right of the commission to make regulations supplementary thereto prior to January 10, 1954, nor on the general subject of requirements for amendments of voluntary plans subsequent to January 10, 1954.

CHAPTER 1295

An act to amend Sections 6002 and 6024 of the Government Code, relating to newspapers.

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6002 of the Government Code is amended to read:

Newspaper "established"

6002. For a newspaper to be "established," it shall have been in existence under a specified name during the whole of the one-year period; provided, however, nothing herein contained shall prevent a modification of name in accordance with Section 6024 hereof where the modification of name does not substantially change the identity of the newspaper.

SEC. 2. Section 6024 of said code is amended to read:

Vacation, modification of judgment

6024. (1) The decision and judgment may be vacated, modified or set aside by the court on its own motion, or on the motion of any person, whether a party to the original proceeding or not upon:

(a) A verified statement of facts being made to the court.

(b) Ten days' notice to the petitioner.

(c) A satisfactory showing made to the court that the newspaper has ceased to be a newspaper of general circulation.

(2) The decision and judgment may be modified by the court on its own motion, or on the motion of any person interested, whether a party to the original proceeding or not, upon a similar verified statement and the same notice and a satisfactory showing made to the court that the newspaper has modified its name without any substantial change in its character or identity as a newspaper of general circulation.

CHAPTER 1296

An act to add Section 18596 to the Government Code, relating to state employees, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

In effect immediately

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

SECTION 1. Section 18596 is added to the Government Code, to read:

"State civil service"

18596. The "state civil service" shall include all personnel appointed or employed in the Bureau of Guidance in the Division of Instruction of the Department of Education.

Urgency

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

In order to place in immediate effect a portion of the organization plan for the Division of Instruction, Department of Education, recommended by the Director of Finance (Administrative Survey Report A.N. 440), on July 1, 1953, the present Bureau of Guidance will be transferred from the vocational section to a supplemental services section and expanded as a counseling and guidance bureau.

The professional staff of the Bureau of Guidance is now exempt from civil service because their salary is partly paid with federal funds. Upon transfer of that bureau to the supplemental services section, the professional staff will be paid solely from state funds and the positions no longer will be exempt from civil service.

The transfer requires the continuing conduct of the functions now performed by the professional staff of the bureau. In order to conduct such functions in a proper manner and without interruption and in order to retain for the benefit of the State the services of the present trained and experienced professional staff, it is necessary that the professional staff of the Bureau of Guidance became a part of the state civil service on or before June 30, 1953.

CHAPTER 1297

An act to amend Section 13040 of, and to add Section 13061.5 to, the Water Code, relating to Regional Water Pollution Control Boards.

In effect September 9, 1953

[Approved by Governor June 22, 1953. Filed with Secretary of State June 23, 1953.]

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

SECTION 1. Section 13040 of the Water Code is amended to read:

State divided into regions

13040. The State is divided, for the purposes of this division, into nine regions:

North coastal region

(a) North coastal region, which comprises all basins including Lower Klamath Lake and Lost River Basins draining into the Pacific Ocean from the California-Oregon state line southerly to the northerly boundary of the watershed of Lagunitas Creek in Marin County and its extension along the center line of Tomales Bay.

(b) San Francisco Bay region, which comprises San Francisco Bay, Suisun Bay, from Sacramento River and San Joaquin River westerly from a line which passes between Collinsville and Montezuma Island and follows thence the boundary common to Sacramento and Solano Counties and that common to Sacramento and Contra Costa Counties to the westerly boundary of the watershed of Markley Canyon in Contra Costa County, all basins draining into the bays and rivers westerly from this line, and all basins draining into the Pacific Ocean between the southerly boundary of the north coastal region and the southerly boundary of the watershed of Pescadero Creek in San Mateo and Santa Cruz Counties. San Francisco Bay region

(c) Central coastal region, which comprises all basins, including Carrizo Plain in San Luis Obispo and Kern Counties, draining into the Pacific Ocean from the southerly boundary of the watershed of Pescadero Creek in San Mateo and Santa Cruz Counties to the southeasterly boundary, located in the westerly part of Ventura County, of the watershed of Rincon Creek. Central coastal region

(d) Los Angeles region, which comprises all basins draining into the Pacific Ocean between the southeasterly boundary, located in the westerly part of Ventura County, of the watershed of Rincon Creek and a line which coincides with the southeasterly boundary of Los Angeles County from the ocean to San Antonio Peak and follows thence the divide between San Gabriel River and Lytle Creek drainages to the divide between Sheep Creek and San Gabriel River drainages. Los Angeles region

(e) Santa Ana region, which comprises all basins draining into the Pacific Ocean between the southeasterly boundary of the Los Angeles region and a line which follows the drainage divide between Muddy and Moro Canyons from the ocean to the summit of the San Joaquin Hills; thence along the divide between lands draining into Newport Bay and into Laguna Canyon to Niguel Road; thence along Niguel Road and Los Aliso Avenue to the divide between Newport Bay and Aliso Creek drainages; thence along that divide and the southeasterly boundary of the Santa Ana River drainage to the divide between Baldwin Lake and Mojave Desert drainages; thence along that divide to the divide between Pacific Ocean and Mojave Desert drainages. Santa Ana region

(f) San Diego region, which comprises all basins draining into the Pacific Ocean between the southern boundary of the Santa Ana region and the California-Mexico boundary. San Diego region

(g) Central Valley region, which comprises all basins including Goose Lake Basin draining into the Sacramento and San Joaquin Rivers to the easterly boundary of the San Francisco Bay region near Collinsville. Central Valley region

(h) Lahontan region, which comprises all basins east of the Santa Ana, Los Angeles and Central Valley regions from the California-Oregon boundary to the southerly boundary located in Los Angeles and San Bernardino Counties of the watersheds draining into Antelope Valley, Mojave River Basin and Dry Lake Basin near Ivanpah. Lahontan region

Colorado River Basin region

(i) Colorado River Basin region, which comprises all basins east of the Santa Ana and San Diego regions draining into the Colorado River, Salton Sea and local sinks from the southerly boundary of the Lahontan region to the California-Mexico boundary.

The regions defined and described in this section shall be as precisely delineated on official maps of the Division of Water Resources and include all of the areas within the boundaries of the State.

SEC. 2. Section 13061.5 is added to said code, to read:

Service of accusation

13061.5. Notwithstanding any provision of subdivision (c) of Section 11505 of the Government Code, the accusation initiating any hearing held under the provisions of this article may be served by registered mail addressed to the respondent at his or its place of business or residence; provided further, that if the respondent is a nonresident individual or a foreign corporation, service may be effected in the manner prescribed by Section 1018 of the Code of Civil Procedure.

CHAPTER 1298

An act to amend Section 2714 of the Penal Code, relating to the refund of deposits from the Correctional Industries Revolving Fund.

In effect September 9, 1953

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

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

SECTION 1. Section 2714 of the Penal Code is amended to read:

Correctional Industries Revolving Fund

2714. There is hereby constituted a permanent revolving fund in the sum of not less than seven hundred and thirty thousand dollars ($730,000), to be known as the Correctional Industries Revolving Fund to be used to meet the expenses necessary in the purchasing of materials and equipment, salaries, construction and cost of administration of the work program of the Department of Corrections in the prisons and institutions under its jurisdiction. Such fund may also be used to refund deposits either erroneously made or made in cases where delivery of products cannot be consummated. Said fund shall at all times contain the amount of seven hundred and thirty thousand dollars ($730,000) after it has once reached that amount, either in cash or assets, consisting of raw materials and finished or unfinished products inventory at cost, or both, or proper charges made under this section. Money received from the rendering of services or the sale of products in the prisons and institutions under the jurisdiction of the Department of Corrections shall be paid to the State Treasurer monthly and shall be credited to said revolving fund. At such time as the Director of Corrections

or the Director of Finance decide that the balance in said revolving fund 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 of the State of California. The Controller is authorized to transfer such balances upon the request of the Director of Finance.

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

CHAPTER 1299

An act to add Sections 6527, 6527.1, 6527.5, 6528, 6534.1, 6534.2, 6534.3, 6534.4, 6534.5, 6534.6, 6550.5, 6550.6, 6627.5, and 6627.6 to, and to amend Section 6630 of, the Business and Professions Code, relating to barbers.

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

In effect September 9, 1953

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

SECTION 1. Section 6527 is added to the Business and Professions Code, to read:

Certificate of registration

6527. It is unlawful for any person, firm, or corporation to operate a barber college unless such person, firm, or corporation holds a certificate of registration in good standing therefor issued by the board and unless such certificate is displayed at all times in a conspicuous place on the premises.

SEC. 2. Section 6527.1 is added to said code, to read:

Operative date

6527.1. Section 6527 of this code shall not become operative with respect to a college which has been approved by the board prior to the effective date of this act until after the expiration of six months from such effective date.

SEC. 3. Section 6527.5 is added to said code, to read:

Necessary supervision

6527.5. It is unlawful for any person, firm, or corporation to operate a barber college unless the training therein is conducted at all times under the direct supervision of a person holding a certificate of registration in good standing as an instructor issued by the board.

SEC. 4. Section 6528 is added to said code, to read:

Instructor's qualifications

6528. It is unlawful for any person to act as an instructor in a barber college unless such person holds an instructor's certificate in good standing issued by the board and unless such certificate and the person's certificate as a registered barber are displayed in a conspicuous place on the premises at all times.

SEC. 5. Section 6534.1 is added to said code, to read:

Application for certificate

6534.1. An applicant for a certificate of registration to operate a barber college shall file an application with the board

in such form as the board may prescribe accompanied by the fee required by this chapter.

SEC. 6. Section 6534.2 is added to said code, to read:

Personal appearance of applicant

6534.2. Upon receipt of the application the board shall require the applicant, if an individual, or a member, partner, or officer thereof if the applicant is a firm, partnership, or corporation, to appear personally before the board and submit information in such form as the board may by regulation prescribe showing:

(a) The location of the proposed college and its physical facilities and equipment, (b) the proposed maximum number of students to be trained at any one time and the number of instructors to be provided, (c) the nature and terms of the applicant's right of possession of the proposed premises, whether by lease, ownership or otherwise, (d) the financial ability of the applicant to operate the college in accordance with the requirements of this chapter and the regulations of the board, and (e) such other information as the board considers necessary.

SEC. 7. Section 6534.3 is added to said code, to read:

Inspection of college

6534.3. Prior to the issuance of the certificate the board or its representative shall inspect the college and shall determine that it complies with this chapter and the regulations of the board. Before making such inspection the board shall require the applicant to furnish such evidence as the board may by regulation prescribe showing compliance with local laws governing the operation of barber colleges in the particular locality in which the college is to be located.

SEC. 8. Section 6534.4 is added to said code, to read:

Certificate of registration

6534.4. The board shall issue a certificate of registration for each college which complies with this chapter and the regulations of the board.

SEC. 9. Section 6534.5 is added to said code, to read:

Presently operating colleges

6534.5. Notwithstanding any other provision of this chapter any person, firm, or corporation which on the effective date of this act is operating a college which has been approved by the board shall, upon application filed with the board within six months after such effective date and upon payment of the fee required by this chapter, be granted a certificate of registration for such college.

SEC. 10. Section 6534.6 is added to said code, to read:

Separate location constitutes separate college

6534.6. For purposes of this chapter and the regulations of the board each separate location at which the practice of barbering or any part thereof is taught shall be considered to be a separate college, and a separate certificate shall be required for each.

SEC. 11. Section 6550.5 is added to said code, to read:

Instructor's certificate of registration

6550.5. The board shall issue a certificate of registration as an instructor in a barber college to a person who complies with all of the following:

(a) Files an application with the board in such form as it may prescribe, accompanied by the examination fee and the certificate fee required by this chapter.

(b) Is of good moral character.

(c) Is a registered barber in this State and has had at least two years experience as a registered barber in this State or another state or country.

(d) Successfully passes an examination.

SEC. 12. Section 6550.6 is added to said code, to read:

6550.6. Section 6550.5 of this code does not apply to any person who on the effective date of this act holds an instructor's certificate in good standing issued by the board, but such certificate shall be renewed annually in the manner required by this chapter for other instructor's certificates. Exception

SEC. 13. Section 6627.5 is added to said code, to read:

6627.5. Application for renewal of a certificate of registration for a barber college shall be made annually on or before August 1st, accompanied by the renewal fee required by this chapter. A certificate which has not been renewed during the month of August expires August 30th and may be restored only upon payment of the restoration fee required by this chapter. College Renewal of certificate

SEC. 14. Section 6627.6 is added to said code, to read:

6627.6. Application for renewal of a certificate of registration as an instructor in a barber college shall be made annually on or before August 1st, accompanied by the renewal fee required by this chapter. A certificate which has not been renewed during the month of August expires August 30th and may be restored only upon payment of the restoration fee required by this chapter. Instructor's certificate Renewal

SEC. 15. Section 6630 of said code is amended to read:

6630. The amount of fees prescribed by this chapter is that fixed by the following schedule: Fees

(a) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering is fifteen dollars ($15) and for the issuance of the certificate three dollars ($3).

(b) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an apprentice is seven dollars ($7) and for the issuance of a certificate two dollars ($2).

(c) The fee to be paid by an applicant for an examination to determine his preliminary education is three dollars ($3).

(d) The fee to be paid for the renewal of a certificate of registration to practice barbering is three dollars ($3), and for the restoration of an expired certificate five dollars ($5).

(e) The fee to be paid for the renewal of a certificate of registration to practice as an apprentice is two dollars ($2), and for the restoration of an expired certificate three dollars ($3).

(f) The fee to be paid by an applicant to conduct a barber shop is three dollars ($3). The fee to be paid for the annual renewal of a certificate to conduct a barber shop is three dollars ($3).

(g) The fee for the issuance of a certificate of registration for a barber college is one hundred dollars ($100). The annual renewal fee for such certificate is one hundred dollars ($100) and the fee for the restoration of an expired certificate two hundred dollars ($200).

(h) The examination fee for a certificate of registration as an instructor in a barber college is twenty-five dollars ($25) and for the issuance of a certificate ten dollars ($10). The annual renewal fee for such certificate is ten dollars ($10) and the fee for the restoration of an expired certificate twenty dollars ($20).

Duplicate certificates

A duplicate certificate will be issued upon the filing of a statement covering the loss of a certificate, verified by the oath of the applicant, and submitting one signed photograph, and upon the payment of a fee of one dollar ($1) for the issuance of the certificate. Each duplicate certificate shall have the word "Duplicate" stamped across the face thereof, and bear the same number as the certificate in lieu of which it is issued.

CHAPTER 1300

An act to amend Section 117p of the Code of Civil Procedure, relating to mailing fees in small claims actions.

In effect September 9, 1953

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

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

SECTION 1. Section 117p of the Code of Civil Procedure is amended to read:

Small claims actions Fees

117p. A fee of one dollar ($1) shall be charged and collected for the filing of the affidavit for the commencement of any action; for each defendant to whom a copy of the affidavit is mailed by the clerk a fee of seventy-five cents ($0.75) shall be charged and collected; and, except as otherwise provided for in this chapter, no other fee or charge shall be collected by any officer for any service rendered under this chapter, or for the taking of affidavits for use in connection with any action commenced under this chapter. All fees collected hereunder shall be deposited with the treasurer of the city and county or county under whose jurisdiction any such court shall exist.

CHAPTER 1301

An act to amend Section 3904 of the Corporations Code, relating to corporations and annexation of certificate to instrument of conveyance.

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

In effect September 9, 1953

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

SECTION 1. Section 3904 of the Corporations Code is amended to read:

Deed or instrument conveying corporate assets. Certificate

3904. Any deed or instrument conveying or otherwise transferring any assets of a corporation may have annexed to it the certificate of the secretary or an assistant secretary of the corporation, setting forth the resolution of the board of directors and (a) stating that the property described in said deed, instrument or conveyance is less than substantially all of the assets of the corporation, if such be the case, or (b) if such property constitutes all or substantially all of the assets of the corporation, stating the fact of approval thereof by the vote or written consent of the shareholders pursuant to this article. Such certificate is prima facie evidence of the existence of the facts authorizing such conveyance or other transfer of the assets and conclusive evidence in favor of any innocent purchaser or encumbrancer for value.

CHAPTER 1302

An act to add Section 24105 to the Government Code, relating to the temporary discharge of duties by deputies during vacancy in office.

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

In effect September 9, 1953

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

SECTION 1. Section 24105 is added to the Government Code, to read:

County officers. Vacancy in office

24105. If the office of any of the county officers enumerated in Section 24000 of this code is vacant the duties of such office may be temporarily discharged by a chief deputy, assistant or deputy of such officer, as the case may be, next in authority to such county officer in office at the time the vacancy occurs, with like authority and subject to the same obligations and penalties as such county officer, until the vacancy in the office is filled in the manner provided by law.

CHAPTER 1303

An act to repeal Chapter 3 of Part 8 of Division 2 of the Labor Code, relating to public service districts.

In effect September 9, 1953

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

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

Repeal

SECTION 1. Chapter 3 of Part 8 of Division 2 of the Labor Code is 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 1304

An act to amend Sections 1710, 1711, 1712, 1723, 1724, and 1725 of, to add Sections 1710.5, 1711.5, 1720, 1725.2 and 1725.5 to, and to repeal Sections 1713, 1714, 1714.5, 1715, 1716, 1718, and 1720 of, the Welfare and Institutions Code, relating to the Youth Authority and director thereof.

In effect September 9, 1953

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

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

SECTION 1. Sections 1713, 1714, 1714.5, 1715, 1716, 1718, and 1720 of the Welfare and Institutions Code are repealed.

SEC. 2. Section 1710 of said code is amended to read:

Department of the Youth Authority

1710. There is hereby created a Department of the Youth Authority for this State.

SEC. 3. Section 1710.5 is added to said code, to read:

Director

1710.5. The Director of the Youth Authority shall be the administrative head of the Department of the Youth Authority and shall exercise all duties and functions of the Youth Authority not specifically assigned to the Youth Authority Board. He shall be the appointing authority for all civil service positions of employment in the department.

SEC. 4. Section 1711 of said code is amended to read:

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, except as provided in Section 1725.

SEC. 5. 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.

Provided, however, that the authority may assign any individual member as a referee to review and take action in the name of the Youth Authority on matters involving the acceptance or rejection of commitments to the authority, designation of places of temporary detention, determination of conditions of parole, and the revocation or suspension of parole. Decisions or actions of a Youth Authority referee are not effective until concurred in by another member of the authority.

SEC. 6. Section 1712 of said code is amended to read:

Appointment of members

1712. The five positions on the authority shall be filled by appointment of the Governor of persons meeting the requirements of this chapter subject to confirmation by the Senate.

SEC. 7. Section 1720 is added to said code, to read:

Terms

1720. The terms of office of members of the authority shall be for four years and shall expire as follows: Two on March 15, 1955 and two on March 15, 1957. The term of the Chairman of the Youth Authority Board shall expire March 15, 1956. 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.

SEC 8. Section 1723 of said code is amended to read:

Chairman

1723. The Governor shall appoint a Chairman of the Youth Authority, and the chairman shall be Director of the Youth Authority Department. He shall receive an annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code in lieu of the salary received by members of the authority. He shall continue to serve as such during his term of office and until the appointment and qualification of his successor. No member shall be ineligible to serve as director and chairman by reason of any previous service as director and chairman. As used in this chapter, "director" means the person designated Director of the Youth Authority pursuant to this section.

SEC. 9. Section 1724 of said code is amended to read:

Removal of members

1724. The Governor may remove any member of the authority for misconduct, incompetency or neglect of duty after a full hearing by the Board of Corrections.

SEC. 10. Section 1725 of said code is amended to read:

Powers and duties

1725. The powers and duties of the authority in respect to acceptance and rejection of commitments, designation of point of temporary detention, initial classification, assignment or transfer to institutions or facilities operated by agencies other than the Youth Authority, discharge of commitment, determination of conditions of parole and release of persons committed to the authority or to or for placement in correctional schools, order of return of persons to the court of commitment for redisposition by the court, order of return of nonresident persons committed to the jurisdiction of the state of legal residence, adoption of standards and qualifications as provided in Sections 955 and 1760.7 of this code and revocation or suspension of parole shall be exercised and performed by the authority as

such, and shall not be delegated by it to, nor exercised or performed by, any individual member except as provided in Section 1711.5 of this code. All other powers, duties, and functions granted to or imposed upon the authority by any provision of law shall be exercised and performed by the director. The director may make and enforce all rules appropriate to the proper accomplishment of his functions.

Delegation

The director may delegate the powers and duties vested in him by this section, in accordance with Section 7 of this code. The director may also designate any officer or employee of the authority as his representative to preside at the meetings of the authority whenever his other duties prevent him from personally attending such meetings and to exercise his powers and perform his duties as a member of the authority (other than his powers and duties as director).

SEC. 11. Section 1725.2 is added to said code, to read:

Transfer of inmates

1725.2. The Director of the Youth Authority may transfer persons confined in one institution or facility of the Department of the Youth Authority to another. The authority may request the director to transfer a person who is under its jurisdiction pursuant to Section 1731.5 of this code if, after review of the case history in the course of routine procedures, such transfer is deemed advisable for the further diagnosis and treatment of the ward. The director shall as soon as practicable comply with such request, provided that, if facilities are not available he shall report that fact to the authority and shall make the transfer as soon as facilities become available; provided further, that if in the opinion of the director such transfer would endanger security he may report that fact to the authority and refuse to make such transfer.

SEC. 12. Section 1725.5 is added to said code, to read:

Legislative intent

1725.5. It is the intention of the Legislature that the Youth Authority Board and the Director of the Youth Authority shall cooperate with each other in the establishment of the classification, transfer, and discipline policies of the Department of the Youth Authority, to the end that the objectives of the state youth correctional system can best be attained. The director and the board shall, not less than four times each calendar year, meet for the purpose of discussion of classification, transfer, and discipline policies and problems, and it is the intent of the Legislature that whenever possible there shall be agreement on these subjects But for the purpose of maintaining responsibility for the secure and orderly administration of the Youth Authority System, the Director of the Youth Authority shall have the final right to determine the policies on classification, transfer and discipline.

Meetings

In the event there is no agreement the Youth Authority Board shall file in writing with the Board of Corrections a statement of its proposals or recommendations to the director, and the director shall answer such statement in writing to the Youth Authority Board, and shall transmit a copy of his reply and the

Youth Authority Board's statement to the Governor and to the Board of Corrections.

CHAPTER 1305

An act to add Sections 1721, 1723.2, and 1723 5 to, and to repeal Section 1721 of, the Welfare and Institutions Code, relating to the Youth Authority and director thereof.

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

In effect September 9, 1953

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

SECTION 1. Section 1721 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 1721 is added to said code, to read:

Youth Authority members Qualifications

1721. Persons appointed to the Youth Authority shall have a broad background in and ability for appraisal of youthful law offenders and delinquents, the circumstances of delinquency for which committed, and the evaluation of the individual's progress toward reformation. Insofar as practicable, members shall be selected who have a varied and sympathetic interest in youth correctional work including persons widely experienced in the fields of corrections, sociology, law, law enforcement, and education.

The person appointed as Director of the Youth Authority and Chairman of the Youth Authority Board shall have in addition qualifications prescribed in Section 1723 2.

SEC. 3. Section 1723.2 is added to said code, to read:

Director Qualifications

1723 2. The Director of the Youth Authority shall have wide and successful administrative experience in youth or adult correctional programs embodying rehabilitative or delinquency prevention concepts.

SEC. 4. Section 1723.5 is added to said code, to read:

Eligibility list

1723.5. The Governor may request the State Personnel Board to use extensive recruitment and merit selection techniques and procedures to provide a list of persons qualified for appointment as Director of the Youth Authority. The Governor may appoint any person from such list of qualified persons or may reject all names and appoint another person who meets the requirements of this chapter.

CHAPTER 1306

An act to amend Section 1143 of the Penal Code, relating to jury fees.

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

In effect September 9, 1953

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

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

Jury fees

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

CHAPTER 1307

An act to amend Section 11007.5 of the Government Code, relating to travel on state business.

In effect September 9, 1953

[Approved by Governor June 23, 1953. Filed with Secretary of State June 24, 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 to read:

State employees Insurance

11007.5. Any state agency may, subject to rules and regulations of the Board of Control, insure its officers and employees against injury or death incurred while flying on state business in any except regularly scheduled passenger aircraft.

CHAPTER 1308

An act to amend Section 1330 of the Penal Code, relating to the attendance of witnesses who reside or who are served with subpena outside of the county in which the offense is triable.

In effect September 9, 1953

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

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

SECTION 1. Section 1330 of the Penal Code is amended to read:

Attendance of witnesses

1330. No person is obliged to attend as a witness before a court or magistrate out of the county where the witness resides, or is served with the subpena, unless the judge of the court in which the offense is triable, or a justice of the Supreme Court,

or a judge of a superior court, or, in the case of a minor concerning whom a petition has been filed pursuant to Section 700 of the Welfare and Institutions Code, by the judge of the juvenile court hearing the petition, upon an affidavit of the district attorney or prosecutor, or of the defendant, or his counsel, or in the case involving a minor in whose behalf a petition has been filed in the juvenile court, of the probation officer approving the filing of such petition or of any party to such action, or his counsel, stating that he believes the evidence of the witness is material, and his attendance at the examination, trial, or hearing is material and necessary, shall endorse on the subpena an order for the attendance of the witness.

CHAPTER 1309

An act to amend Section 14797 of the Revenue and Taxation Code, relating to commissions to be retained by the county treasurers from inheritance tax payments.

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

In effect September 9, 1953

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

SECTION 1. Section 14797 of the Revenue and Taxation Code is amended to read:

14797. The maximum commissions that may be retained by the county treasurer out of the total inheritance taxes paid to and accounted for by him in any one year are as follows:

County treasurer: Commissions

(a) By the county treasurer of a county of the first class, fifty-five thousand dollars ($55,000).

(b) By the county treasurer of a county of the second class, forty thousand dollars ($40,000).

(c) By the county treasurer of a county of the third class, twenty-five thousand dollars ($25,000).

(d) By the county treasurer of a county of the fourth class, twenty thousand dollars ($20,000).

(e) By the county treasurer of a county of any other class, ten thousand dollars ($10,000).

CHAPTER 1310

An act to add Section 13956 to the Government Code, relating to state-owned motor vehicles.

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

In effect September 9, 1953

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

SECTION 1. Section 13956 is added to the Government Code, to read:

Exemption

13956. The provisions of this chapter shall not apply to members of the State Highway Patrol.

CHAPTER 1311

An act to add Section 5133 to the Business and Professions Code, relating to preparation of state reports by public accountants and certified public accountants.

In effect September 9, 1953

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

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

SECTION 1. Section 5133 is added to the Business and Professions Code, to read:

Public accountants

5133. Whenever any statute requires that any reports, financial statements, and other documents for any department, division, board, commission, or agency of this State be prepared by certified public accountants, such requirement shall be construed to mean public accountants or certified public accountants.

CHAPTER 1312

An act to amend Section 1732.6 of the Harbors and Navigation Code, and to amend Section 11556 of the Government Code, relating to the salary of the port manager of the Board of State Harbor Commissioners for San Francisco Harbor.

In effect September 9, 1953

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

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

SECTION 1. Section 1732.6 of the Harbors and Navigation Code is amended to read:

Port manager Salary

Confidential position

Bond

1732.6. The annual salary of the port manager shall be fixed by the board with the approval of the Department of Finance. As such port manager his position is confidential to the board within the meaning of paragraph (5), subdivision (a), Section 4 of Article XXIV of the Constitution and he is therefore exempt from civil service laws. Before entering upon the duties of his office, he shall give an official bond in the sum of fifty thousand dollars ($50,000), and shall take and subscribe an official oath. The bond, if satisfactory, shall be approved by the board, by written endorsement thereon, and filed with his oath in the Office of the Secretary of State.

SEC. 2. Section 11556 of the Government Code is amended to read:

11556. An annual salary of twelve thousand dollars ($12,000) shall be paid to each of the following: State officers Salaries

(a) Commissioner of the California Highway Patrol.
(b) Each member of the Adult Authority.
(c) Each member of the Youth Authority.
(d) Director of Professional and Vocational Standards.
(e) Director of Industrial Relations.
(f) Commissioner of Corporations.
(g) Real Estate Commissioner.
(h) Director of Veterans Affairs.
(i) Building and Loan Commissioner.

CHAPTER 1313

An act to amend Sections 13644, 14734, 14764, and 15651 of the Revenue and Taxation Code, and to add Section 16123.5 thereto, and to add Article 3.5 to Chapter 9 of Part 8 of Division 2 thereof, relating to inheritance and gift taxation.

[Approved by Governor June 23, 1953. Filed with Secretary of State June 24, 1953.] In effect September 9, 1953

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

SECTION 1. Section 13644 of the Revenue and Taxation Code is amended to read:

13644. A transfer conforming to Section 13641 and under which the transferor expressly or impliedly reserves for his life an income or interest in the property transferred is a transfer subject to this part. Such a reservation shall be conclusively presumed where the transferor retains the possession or enjoyment of the income or interest in the property transferred until his death. Reservation of life interest

SEC. 2. Article 3.5 is added to Chapter 9, Part 8, Division 2 of said code, to read:

Article 3.5. Suits in Other States

14350. The Controller may bring suits in the courts of other states to collect inheritance taxes payable under this part. An official of another state which extends a like comity to this State may sue for the collection of similar taxes in the courts of this State. A certificate by the secretary of state of another state, under the great seal of that state, that an official thereof has authority to collect its death taxes is conclusive evidence of the authority of such official in any suit for the collection of such taxes in any court of this State. Inheritance taxes Suits in other states

SEC. 3. Section 14734 of said code is amended to read:

14734. The department shall cooperate with, advise, and assist inheritance tax appraisers, county treasurers, and other officers and persons in the administration and enforcement of this part and of Part 9 of this division. Assistance in administration

SEC. 4. Section 14764 of said code is amended to read:

Payment of expenses

14764. On the presentation of a sworn itemized account and a certificate of the Controller, together with a certified copy of an order issued by the superior court having jurisdiction, the county treasurer shall pay out of any inheritance tax money in his hands any expense incurred pursuant to and allowable by this article.

SEC. 5. Section 15651 of said code is amended to read:

Gift return

15651. Every donor shall file a gift return with the Controller on or before the fifteenth day of April following the close of the calendar year in which he makes a gift. The return shall not be under oath but shall contain, or be verified by, a written declaration that it is made under the penalties of perjury.

SEC. 6. Section 16123 5 is added to said code, to read:

Gift taxes Suits in other state

16123.5. The Controller may bring suits in the courts of other states to collect gift taxes payable under this part. An official of another state which extends a like comity to this State may sue for the collection of similar taxes in the courts of this State. A certificate by the secretary of state of another state, under the great seal of that state, that an official thereof has authority to collect its gift or other transfer taxes is conclusive evidence of the authority of such official in any suit for the collection of such taxes in any court of this State.

SEC. 7. This act shall be effective as to all transfers made before or after the effective date hereof.

CHAPTER 1314

An act to add Section 4.1 to the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), relating to municipal water districts.

In effect September 9, 1953

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

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

SECTION 1. Section 4.1 is added to the Municipal Water District Act of 1911, to read:

Appointment of directors

Sec. 4.1. If, on the sixty-fifth day prior to the day fixed for the district general election, only one person has been nominated for each office of member of the board of directors to be filled at that election, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the district, or a greater portion thereof, is situated at a regular or special meeting held prior to the day of election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons who have been nominated. The person appointed shall qualify and

take office and serve exactly as if elected at a district general election.

In such case, the publication provided for in Section 3 shall, instead of calling an election, state that no election is to be held but that the board of supervisors will appoint those nominated for the positions of directors.

CHAPTER 1315

An act to amend Section 372 of the Code of Civil Procedure, relating to investment of funds in savings and loan associations.

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

In effect September 9, 1953

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

SECTION 1. Section 372 of the Code of Civil Procedure is amended to read:

Actions on behalf of infants, insane or incompetent persons

372. When an infant, or an insane or incompetent person is a party, he must appear either by his general guardian or by a guardian ad litem appointed by the court in which the action is pending, or by a judge thereof, in each case. A guardian ad litem may be appointed in any case, when it is deemed by the court in which the action or proceeding is prosecuted, or by a judge thereof, expedient to represent the infant, insane, or incompetent person in the action or proceeding, notwithstanding he may have a general guardian and may have appeared by him. The general guardian or guardian ad litem so appearing for any infant or insane or incompetent person in any action or proceeding shall have power, with the approval of the court in which such action or proceeding is pending, to compromise the same, to agree to the order or judgment to be entered therein for or against his ward, and to satisfy any judgment or order in favor of said ward or release or discharge any claim of said ward pursuant to such compromise. If the money or the value of other property to be paid or delivered under said order or judgment does not exceed two thousand dollars ($2,000), and there is no general guardian of the ward, the court in which said order or judgment is entered may, in its discretion, require that any money paid thereunder be deposited in a bank or trust company or be invested in an account in an insured savings and loan association subject to withdrawal only upon the order of the court, or it may require a general guardian to be appointed and the money or other property to be paid or delivered to such guardian, or prescribe such other conditions as in the discretion of the court seems to the best interests of the ward. If the money or the value of other property to be paid or delivered under said order or judgment exceeds two thousand dollars ($2,000), and there is no general guardian of the ward, the court in which said order or judgment is entered must require a general guardian to be appointed and must di-

Disposition of recovery

rect that the money or other property be paid or delivered to such guardian or in lieu thereof it must require that any moneys so paid be deposited in a bank or trust company or be invested in an account in an insured savings and loan association subject to withdrawal only upon the order of the court or, as to any property to be received by the ward shall prescribe such conditions as the court may deem proper. The term "account in an insured savings and loan association" used in this section has the same meaning as in Section 1431 of the Probate Code.

CHAPTER 1316

An act to amend Section 28382 of, and to add Section 28403 to, the Health and Safety Code, relating to canneries.

In effect September 9, 1953

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

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

SECTION 1. Section 28382 of the Health and Safety Code is amended to read:

Cannery Inspection Board

28382. Members of the board serve without compensation. The board shall meet at least quarterly.

SEC. 2. Section 28403 is added to the Health and Safety Code, to read:

Assessment

28403. In lieu of all other procedures in Articles 2 and 3 of this chapter, each person licensed under this chapter may be assessed at an estimated annual hourly rate set by the Cannery Inspection Board with the approval of the state board and the State Director of Finance. Such annual rate shall be set for each industry group based on the estimated cost.

CHAPTER 1317

An act to add Section 18940 to the Government Code, relating to the time of holding competitive examinations for positions within the state civil service.

In effect September 9, 1953

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

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

SECTION 1. Section 18940 is added to the Government Code, to read:

Saturday examinations

18940. (1) When an examination is scheduled to be given during the period from sundown on a Friday until sundown on the following day, and it is the practice of an applicant, based upon his religious convictions, to observe the Sabbath during such period, and the applicant therefore objects to taking the

examination during such period, he may elect to avail himself of the procedure provided for in subdivision (2) of this section.

(2) Within such time as the board may require after receipt of notice of the time and place of the examination the applicant shall advise the board of his objections, his desire for surveillance and the deferred examination described in subdivision (3) of this section, his preference between individual and group surveillance, and his agreement to pay the requisite fee. Objection

(3) An applicant who gives notice to the board in accordance with subdivision (2) of this section shall, upon payment of the fee fixed by the board, be entitled to receive such surveillance by a representative of the board, either individually or as part of a group, depending on the facilities of the board and the preference of the applicant, as will render it impossible for the candidate to learn of the contents of the examination. The surveillance shall continue from the time of commencement of the general examination until the commencement of the deferred examination of said applicant, which deferred examination shall be given promptly after the close of the Sabbath observed by said applicant. During the period of surveillance the board may require the presence of the applicant at such place or places as it deems appropriate, but the applicant shall be allowed the greatest freedom of movement consistent with the purposes of this section. Surveillance

(4) The board shall exact a fee for the surveillance and deferred examination provided for in subdivision (3) of this section equal to, or approximating, the actual cost to the State of providing such surveillance and deferred examination to the applicant of whom the fee is exacted. Fee

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CHAPTER 1318

An act to amend Section 7314 of the Labor Code, relating to fees charged by the Safety Division for elevator inspections.

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

In effect September 9, 1953

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

SECTION 1. Section 7314 of the Labor Code is amended to read:

7314. The division may fix and collect such fees for the inspection of elevators as it deems necessary, but the charge for each inspection shall not exceed seven dollars and fifty cents ($7.50). No charge shall be made in any one year for more than one inspection except where safety orders have not been complied with and subsequent inspections are necessary, an additional fee not to exceed seven dollars and fifty cents ($7.50) may, in the discretion of the division, be charged for not more than one subsequent inspection annually. Elevator inspection fees

CHAPTER 1319

An act to amend Section 1481 of the Government Code, relating to a master official bond or other form of master bond, the form and contents thereof and beneficiaries thereunder.

In effect September 9, 1953

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

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

SECTION 1. Section 1481 of the Government Code is amended to read:

Master official bond

1481. When deemed expedient by the appointing power, a master official bond, or other form of master bond may be used which shall provide coverage on more than one officer, employee or agent who is required by the appointing power or the board of supervisors of a chartered county to give bond. Such bond shall be in the form and for the term which is approved by the appointing power or the board of supervisors of a chartered county and shall inure to the benefit of the appointing power, state, county or municipality by whom such officer, employee, or agent is employed as well as the officer under whom the employee or agent serves. In the case of the State of California the form and content of such bond shall be subject to the approval of the Director of Finance.

CHAPTER 1320

An act to amend Section 8561 of the Business and Professions Code, relating to structural pest control.

In effect September 9, 1953

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

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

SECTION 1. Section 8561 of the Business and Professions Code is amended to read:

Structural pest control operator Qualifications

8561. Any person 21 years of age or over may apply for an operator's license:

(a) If the applicant is an individual, he shall possess the qualifications and be examined as hereinafter prescribed. If such individual qualifies for an operator's license, as herein prescribed, the board shall issue to him an operator's license.

(b) If the applicant is a partnership, it shall designate a partner to be the qualified partner for the partnership entity or an employee designated as its responsible natural person, and such partner or responsible natural person shall possess the qualifications and be examined as hereinafter prescribed. If such partner or responsible natural person so qualifies in the same manner as an operator as herein prescribed, the board shall

issue an operator's license to the partnership, naming therein the partner or responsible natural person qualified to act as operator for the partnership. Such partner or responsible natural person may engage in pest control on behalf of the partnership only, so long as he remains a partner thereof, but he may become associated with another partnership, or with a firm or corporation, in a capacity other than as a qualifying partner, responsible natural person or qualifying officer.

(c) If the applicant is an association or corporation, it shall designate an officer thereof or a responsible natural person employed or to be employed by it to be the qualified officer or responsible natural person for the association or corporation entity. Such officer or responsible natural person shall possess the qualifications and be examined as hereinafter prescribed. If such officer or responsible natural person so qualifies in the same manner as an operator as herein prescribed, the board shall issue an operator's license to the association or corporation, as the case may be, naming therein the officer or responsible natural person qualified to act as operator for the association or corporation. Such officer or responsible natural person may engage in pest control on behalf of the association or corporation only so long as he remains in such capacity for the association or corporation, but he may become associated with another association or corporation, or with a firm or partnership, in a capacity other than as a qualifying officer, responsible natural person, or partner.

CHAPTER 1321

An act to amend Section 210; to repeal Sections 210.1, 215, 216 and 217 of; and to add Sections 211, 212, 213, 214, 215, and 216 to the Vehicle Code, relating to the privileges of persons owning vehicles registered elsewhere than in this State.

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

In effect September 9, 1953

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

SECTION 1. Section 210 of the Vehicle Code is amended to read:

210. Nonresident Owner Exempt From Registration. (a) A nonresident owner of a foreign vehicle of a type otherwise subject to registration hereunder may operate or permit the operation of such vehicle within this State without registering such vehicle in, or paying any fees to, this State, subject to the condition that such vehicle at all times when operated in this State is duly registered in, and displays upon it a valid license plate or plates issued for such vehicle in, the place of residence of such owner.

Registration exemptions. Nonresident owner

(b) The foregoing provisions of this section shall be subject to the exceptions and special provisions as hereinafter set forth in this chapter.

SEC. 2. Section 211 is added to the Vehicle Code, to read:

Military personne

211. Exemption of Person in Military Service. Any nonresident owner of a foreign vehicle who is a member of the armed forces of the United States on active duty within this State shall be entitled to the exemption granted under Section 210 under the conditions therein set forth. Such member of the armed forces shall also be entitled to exemption in the event there is displayed upon said vehicle a valid license plate or plates issued for such vehicle in a state where the presence of such owner was required by military orders at the time such license plate or plates were issued.

SEC. 3. Section 212 is added to the Vehicle Code, to read:

Gainful employment

212. Nonresident Who Accepts Gainful Employment. Any nonresident owner of a vehicle of a type subject to registration in this State who, while temporarily living within this State, accepts gainful employment within this State shall be entitled to the exemption granted under Section 210, but only until the expiration of the valid home state license plate or plates on said vehicle at the time said nonresident accepted gainful employment within this State.

SEC. 4. Section 213 is added to the Vehicle Code, to read:

Becomes resident

213. When a Nonresident Becomes a Resident. Any nonresident owner of a vehicle of a type subject to registration in this State who becomes a legal resident of this State shall be entitled to the exemption granted under Section 210, but only until the expiration of the valid home state license plate or plates on said vehicle at the time said owner became a resident of this State.

SEC. 5. Section 214 is added to the Vehicle Code, to read:

Established place of business

214. Nonresident With Established Place of Business Within This State. Every nonresident, including any foreign corporation, having an established place of business within this State and owning and regularly operating in such business any vehicle of a type subject to registration hereunder shall register each such vehicle in this State.

SEC. 6. Sections 210.1, 215, 216 and 217 of the Vehicle Code are hereby repealed.

SEC. 7. Section 215 is added to the Vehicle Code, to read:

Registration of foreign commercial vehicles

215. Registration of Foreign Commercial Vehicles. (a) A nonresident owner of a foreign vehicle of a type subject to registration hereunder used or maintained for the transportation of persons for hire, compensation, or profit, or designed, used or maintained primarily for the transportation of property, which is operated or moved within this State, shall register each such vehicle in this State and pay the fees applicable thereto under this code, except as provided in subdivision (b) of this section, and except in the event any said vehicle is lawfully registered as a private passenger-carrying vehicle in the state, District of Columbia, territory, province or country in which the owner has his residence.

(b) Notwithstanding the provisions of subdivision (a) of this section, the nonresident owner of a foreign vehicle as described

in subdivision (a) of this section shall be granted the same privileges and freedom from registration and payment of fees imposed by this Vehicle Code or the Vehicle License Fee Law in this State as the home state, District of Columbia, territory, province or country of such foreign vehicle grants to like vehicles registered in California.

SEC. 8. Section 216 is added to the Vehicle Code, to read:

216. Registration of Nonresident Vehicles Leased for Use in This State. Any vehicle owned by a nonresident owner not registered in this State, which vehicle is leased or rented to a user having an established place of business or residence in California, for use on California highways, shall be subject to registration either by the owner or lessee of the vehicle unless such vehicle is specifically exempted from registration by the provisions of Sections 210 through 215 inclusive of this code.

Registration of nonresident vehicles leased for use in this State

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CHAPTER 1322

An act to amend Sections 72709 and 72710 of the Government Code, relating to attaches in the municipal court established in a judicial district embracing the City of Los Angeles.

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

In effect September 9, 1953

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

SECTION 1. Section 72709 of the Government Code is amended to read:

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 in the same sum monthly or per diem as is paid the official reporters of the superior court in and for the county in which said municipal court is located, which shall be paid from the reporters' salary fund.

Official reporter Salary

SEC. 2. Section 72710 of the Government Code is amended to read:

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 the same compensation per diem as that made payable by any law to official reporters pro tempore of the Superior Court in Los Angeles County, which upon order of the court shall be paid from the reporters' salary fund.

Official reporters pro tempore

CHAPTER 1323

An act to add Section 5100.5 to the Welfare and Institutions Code, relating to mentally ill persons who are ordered to be cared for and detained in a licensed sanitarium or hospital or otherwise cared for until the further order of the court.

In effect September 9, 1953

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

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

SECTION 1. Section 5100.5 is added to the Welfare and Institutions Code, to read:

Mentally ill person committed to licensed sanitarium or hospital Further orders

5100.5. Whenever a person has been adjudged to be mentally ill and ordered by the court to be cared for and detained in a licensed sanitarium or hospital or otherwise cared for, the court may thereafter make such further order or orders for hearing or other disposition concerning the person as the court may deem necessary and proper. The court may accept a written report and recommendation concerning the person made by a licensed physician treating the person, if verified, in lieu of the examination by and testimony of court-appointed physicians and in lieu of the personal appearance in court of the person; provided, however, that upon request made to the court by or on behalf of the person he shall have the right to a personal appearance in court. The court may order the person to be discharged if he has improved to such an extent that he is no longer in need of supervision, treatment, care or restraint; the court may order the person to continue under care and treatment, in the same or another licensed sanitarium or hospital, or the court may order the person to be otherwise cared for, until the further order of the court; provided, however, that before making an order when necessary for commitment of the person to a state hospital, the court shall require that a hearing be held and that a written report and recommendation be made by two medical examiners appointed by the court, and if the person is committed to a state hospital he shall have the right to a jury trial as provided in Section 5125 of this code.

CHAPTER 1324

An act to amend Sections 74692 and 74693 of the Government Code, relating to municipal courts in districts in Santa Cruz County, and prescribing the number and compensation of the judges, officers and attaches thereof.

In effect September 9, 1953

[Approved by Governor June 23, 1953. Filed with Secretary of State June 25, 1953.]

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

SECTION 1. Section 74692 of the Government Code is amended to read:

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), twelve dollars ($12), and twelve dollars ($12) to a maximum of three hundred dollars ($300) monthly.

Santa Cruz County municipal courts Clerks' Salaries

SEC. 2. Section 74693 of said code is amended to read:

74693. The clerk may appoint:

(a) One chief deputy clerk (principal 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), nine dollars ($9), and nine dollars ($9) to a maximum of two hundred eighty-five dollars ($285) monthly.

(b) Two deputy clerks (senior account clerks), each of whom shall receive a minimum salary of two hundred ten dollars ($210) monthly with annual increments of eleven dollars ($11), eleven dollars ($11), ten dollars ($10), ten dollars ($10), and ten dollars ($10) to a maximum of two hundred sixty-two dollars ($262) monthly.

(c) Three intermediate 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), nine dollars ($9), and nine dollars ($9) to a maximum of two hundred twenty-five dollars ($225) monthly.

CHAPTER 1325

An act to amend Section 438 of the Education Code, relating to the compensation of county superintendent of schools.

[Approved by Governor June 23, 1953. Filed with Secretary of State June 25, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 438 of the Education Code is amended to read:

438. The annual salary of the county superintendent of schools of a county of the thirty-eighth class is five thousand four hundred dollars ($5,400), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

Yuba County Superintendent of Schools Salary

CHAPTER 1326

An act to repeal Sections 74842, 74843, and 74844 of, and to add Sections 74842, 74843, 74844, 74845, 74846, and 74847 to, the Government Code, relating to the officers and attaches

of the municipal court in a district embracing the City of Vallejo.

In effect September 9, 1953

[Approved by Governor June 23, 1953. Filed with Secretary of State June 25, 1953.]

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

Repeals

SECTION 1. Sections 74842, 74843, and 74844 of the Government Code are repealed.

SEC. 2. Section 74842 is added to said code, to read:

Vallejo municipal court district. Salaries, clerks

74842. There shall be one clerk who shall receive a minimum salary of three hundred fifty dollars ($350) monthly with increments of twenty dollars ($20) and twenty-one dollars ($21) to a maximum of three hundred ninety-one dollars ($391) monthly.

SEC. 3. Section 74843 is added to said code, to read:

74843. The clerk may appoint:

(a) One deputy clerk who shall receive a minimum salary of two hundred thirty-seven dollars ($237) monthly with increments of fourteen dollars ($14) and fourteen dollars ($14) to a maximum of two hundred sixty-five dollars ($265) monthly.

(b) Three deputy clerks, each of whom shall receive a minimum salary of two hundred twelve dollars ($212) monthly with increments of twelve dollars ($12) and thirteen dollars ($13) to a maximum of two hundred thirty-seven dollars ($237) monthly.

(c) Four deputy clerks, each of whom shall receive a minimum salary of two hundred one dollars ($201) monthly with increments of eleven dollars ($11) and twelve dollars ($12) to a maximum of two hundred twenty-four dollars ($224) monthly.

SEC. 4. Section 74844 is added to said code, to read:

Marshal and deputy marshals

74844. There shall be one marshal who shall receive five thousand dollars ($5,000) annually.

SEC. 5. Section 74845 is added to said code, to read:

74845. The marshal may appoint:

(a) Two deputy marshals, each of whom shall receive a minimum salary of two hundred sixty-five dollars ($265) monthly with increments of fifteen dollars ($15) and seventeen dollars ($17) to a maximum of two hundred ninety-seven dollars ($297) monthly.

(b) One deputy marshal who shall receive a minimum salary of two hundred thirty-seven dollars ($237) monthly with increments of fourteen dollars ($14) and fourteen dollars ($14) to a maximum of two hundred sixty-five dollars ($265) monthly.

SEC. 6. Section 74846 is added to said code, to read:

Attaches

74846. Attaches shall be hired at the minimum rate of salary except if it is difficult to secure qualified personnel, or if a person of unusual qualifications is hired, in which case the judge may hire at the salary indicated as the second step.

SEC. 7. Section 74847 is added to said code, to read:

74847. After six months of satisfactory employment at the minimum rate of salary, the attache shall receive the first increment in salary. One year after receiving the first increment in salary, and upon satisfactory service in employment, the at-

tache may receive the second increment in salary. The second increment in salary shall be given not as a matter of right but only when the judge determines that the attache is properly entitled to receive it.

CHAPTER 1327

An act to add Section 1705.5 to the Business and Professions Code, relating to the practice of dentistry.

[Approved by Governor June 23, 1953. Filed with Secretary of State June 25, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1705.5 is added to the Business and Professions Code, to read:

1705.5. 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 10 or more persons holding licenses to practice dentistry 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 1328

An act to amend Section 428 of the Education Code, relating to the salary and qualifications of the county superintendent of schools of counties of the twenty-eighth class.

[Approved by Governor June 23, 1953. Filed with Secretary of State June 25, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 428 of the Education Code is amended to read:

428. The annual salary of the county superintendent of schools of a county of the twenty-eighth class is seven thousand seven hundred dollars ($7,700), and he shall possess a valid general administrative credential issued by the State Board of Education.

San Luis Obispo County Superintendent of Schools Salary

CHAPTER 1329

An act to amend Sections 4901, 4901.1, 4901.2, 4901.3, and 4902 of, add Section 4902.055 to, amend Sections 4902.06, 4905, 4905.1, 4907, 4908, 4909, 4911, 4912, 4915.3, 4931, and 4931.1

of, and to repeal Sections 4881, 4882, 4901.7, and 4917.3 of, the Education Code, relating to optional reorganization of school districts by electors.

In effect September 9, 1953

[Approved by Governor June 24, 1953. Filed with Secretary of State June 25, 1953.]

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

SECTION 1. Section 4901 of the Education Code is amended to read:

County committee on school district organization

4901. There is hereby created in each county, with the exception of a county which is also a city and county, a committee which shall be known as the county committee on school district organization, which committee shall be composed of not less than five (5) nor more than eleven (11) qualified electors of the county, the number in each county to be determined by the representatives of the governing boards of all school districts of the county or the county superintendent of schools, as hereinafter provided. In the event the representatives of the governing boards fail to elect a county committee as provided in this article, the county superintendent of schools of such county shall determine the number of members to constitute the county committee within the limitation above prescribed and shall appoint such members.

SEC. 2. Section 4901.1 of the Education Code is amended to read:

4901.1. Neither the county superintendent of schools nor any member of his staff nor any employee of a school district shall be a member of the county committee. At least one (1) member of the county committee shall be elected from among the qualified electors of each county supervisorial district in the county. Vacancies in the membership of the county committee are caused by the happening of any of the events specified in Section 1770 of the Government Code and shall be filled by the remaining members of the committee, or by the county superintendent of schools having jurisdiction over the county in the event the remaining members of the committee fail to fill such vacancies with qualified electors within 60 days, or in the event the vacancies occur in a county having less than six (6) school districts.

Vacancies

SEC. 3. Section 4901.2 of said code is amended to read:

Election by governing boards

4901.2. (a) Every county having six (6) or more elementary school districts shall elect a county committee composed of the number of members as shall be determined by a majority of the representatives of the governing boards at a meeting called by the county superintendent of schools having jurisdiction over the county. Notice of such meeting shall be deemed sufficient and complete when deposited in the United States registered mail with postage prepaid, addressed to the clerk or secretary of the governing board of each school district.

(b) The governing board of each school district of every kind or class shall annually select one of its members as its

representative who shall have one vote in determining the number of members, and one vote for each member to be elected to the county committee. The county superintendent of schools shall be furnished with a certificate from the secretary or clerk of each governing board which shall name the representative selected by the board. The first meeting to be called by the county superintendent of schools for the purpose of electing members to the county committee shall be held within ninety (90) days after the effective date of this chapter, and an annual meeting shall thereafter be called for that purpose by the county superintendent of schools which shall be held between the first day of October and the first day of December. The qualified electors of the county receiving the highest number of votes cast by the representatives of the governing boards shall be declared elected to membership of the county committee if a quorum of the representatives are present.

SEC. 4. Section 4901.3 of said code is amended to read:

Appointment by county superintendent of schools.

4901.3. (a) The members of the county committee for a county which has less than six (6) elementary school districts shall be appointed by the county superintendent of schools except as provided in subsection (b) hereof.

Exception

(b) Where all of the territory of a county is included in one unified school district, except such portions as may be in joint districts under the jurisdiction of county superintendents of other counties, the governing board of the unified school district shall constitute the county committee.

SEC. 5. Section 4902 of said code is amended to read:

Plans and recommendations

4902. Each county committee shall study the school district organization of the county and shall, under the direction of the State Board of Education, formulate plans and recommendations for the unification or other reorganization of the school districts in the county or any portion thereof including, if necessary, a portion of one (1) or more adjacent counties. It shall transmit the plans and recommendations to the State Board of Education. If any proposed reorganization affects the territory of two or more counties, the respective county committees must concur in the plans and recommendations.

SEC. 6. Section 4902.055 is added to said code, to read:

Notice of recommendation, etc

4902.055. When a county committee selects an area for possible recommendation for reorganization which includes territory of another county, it shall so notify the members of the county committee of such other county. Thereafter the members of the county committee of such other county shall be notified by mail of each public hearing or meeting of the county committee, or augmented county committee, at which the proposed reorganization will be considered at least 10 days prior to the day of such hearing or meeting.

SEC. 7. Section 4902.06 of said code is amended to read:

4902.06. Notice of each meeting of the augmented committee established in Section 4902.05 shall be mailed to all members appointed pursuant to Section 4902.05 by the county superin-

tendent of schools at least 10 days prior to the date of such meeting.

SEC. 8. Section 4905 of said code is amended to read:

Trustee areas

4905. A unified school district established pursuant to this chapter subsequent to October 1, 1949, may be divided into five (5) or seven (7) trustee areas by the county committee. In establishing trustee areas each county committee shall provide for representation in accordance with population and geographic factors of the entire area of the unified school district. The county superintendent of schools having jurisdiction shall call an election for the purpose of electing the new governing board of the district not later than the fourth Friday of January next succeeding the formation of the trustee areas. The election shall be called and conducted as are elections for members of governing boards of elementary school districts and the term of office and organization of the new board shall be pursuant to Sections 4945 and 4946, respectively. One member of the governing board shall be elected from among the qualified electors of each of the five (5) or seven (7) trustee areas of the unified school district by a vote of the electors of the entire school district. This section does not supersede or modify the provisions of Sections 4941.1 and 4941.2 added by Chapter 212 of the Statutes of 1949.

SEC. 9. Section 4905.1 of said code is amended to read:

4905.1. In any proposal for unification recommended by a county committee such committee may include a provision for trustee areas and such provision shall be considered as an inherent part of the proposal and not be construed as a separate proposition; provided, that such provision shall indicate the boundaries of the proposed trustee areas.

SEC. 10. Section 4907 of said code is amended to read:

Change of boundaries, etc

4907. The county committee shall have power to establish trustee areas, rearrange the boundaries of any trustee areas and abolish trustee areas in any unified school district formed under the provisions of this chapter at any time the committee deems such action advisable. Any such proposal may also be made by a petition signed by at least five (5) qualified electors residing in the school district concerned. The petition shall be presented to the committee which shall hold at least one (1) public hearing thereon. The hearing shall be called and conducted in the manner prescribed herein for calling and conducting other public hearings except that notice thereof shall be posted at some public place in each trustee area of the school district concerned, on a prominent place in each schoolhouse, and at the place of holding the hearing.

Petition

SEC. 11. Section 4908 of said code is amended to read:

Election

4908. (a) Any such proposal resulting from committee action or from a petition acted upon favorably by the county committee, pursuant to Section 4907, shall be presented to the electors of the district at the next succeeding election for members of the governing board The election provided for in this section shall be called by the governing board of the district and shall be held and conducted in as nearly the same manner

as may be practical as are elections for members of boards of school trustees. The words to appear on the ballot shall be: "For the establishment of trustee areas in _____ Unified
(Insert name)
School District—Yes" and "For the establishment of trustee areas in _____ Unified School District—No."
(Insert name)

(b) In the event the election is called for the purpose of rearranging the boundaries of trustee areas, then there shall appear upon the ballot the words "rearranging the boundaries" in lieu of the word "establishment."

(c) In the event the election is called for the purpose of abolishing trustee areas, then there shall appear upon the ballot the word "abolishment" in lieu of the word "establishment."

SEC. 12. Section 4909 of said code is amended to read:

4909. (a) If a proposal for the establishment of trustee areas is approved by a majority of the electors voting at such election, any affected incumbent board member shall serve out his term of office and succeeding board members shall be nominated and elected in accordance with Section 4905. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the unified school district, the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made. Board members

(b) If a proposal for rearrangement of boundaries is approved by the electors, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his term of office and succeeding board members shall be nominated and elected in accordance with Section 4905.

(c) If a proposal for abolishing trustee areas is approved by the electors, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

SEC. 13. Section 4911 of said code is amended to read:

4911. After the State Board of Education has approved the plans and recommendations for the unification or other reorganization of the school districts in any area, the State Board of Education shall notify the county superintendent of schools of each county in which any part of such local area is located, of such approval. Notice of approval of plans, etc

SEC. 14. Section 4912 of said code is amended to read:

4912. Except as otherwise provided in Section 4912.2, the county superintendent of schools of the county in which the greater part of such area is located shall cause to be held a special election in the elementary school district or unified school district, or districts affected for the purpose of adopting or rejecting the plans and recommendations of the county committee or committees. The county committee or committees shall hold, following the approval by the State Board of Education of the recommendations of the county committee, one (1) Special election Hearings

or more public hearings at least ten (10) days prior to such election within the area affected by a proposal for unification. The county committee or committees may designate any member to hold and conduct any public hearing required to be held. Such election shall be held between July 1st and June 30th of the school year in which the county superintendent of schools was given notice by the State Board of Education under Section 4911 except that if such notice is not received on or before May 1st, the election may be held between July 1st and June 30th of the following school year.

SEC. 15. Section 4931 of said code is amended to read:

Effective date of unification

4931. (a) The unification of school districts under this chapter before February 1st of any school year shall become effective on the next succeeding first day of July, except as herein otherwise provided.

(b) The unification of school districts under this chapter on or after February 1st of any school year shall become effective on the second succeeding first day of July, except as herein otherwise provided.

SEC. 16. Section 4931.1 of said code is amended to read:

Effective date of assumption of bonded indebtedness

4931.1. If a proposal for the assumption of bonded indebtedness is approved by the voters the assumption shall become effective on the same date as the unification of the school districts becomes effective as provided in Section 4931.

Repeals

SEC. 17. Sections 4881, 4882, and 4917.3 of said code are repealed.

SEC. 18. Section 4915.3 of said code is amended to read:

Notice of recommendation for unification

4915.3. The county committee shall prior to submitting a recommendation to the State Board of Education for the unification of any school district or school districts notify, in writing, the board of supervisors of each county affected. If such notice is not given on or before April 1st of the school year preceding notice by the State Board of Education under Section 4911, the board of supervisors of any such county may require the county superintendent of schools charged with the duty of holding the election on such plans and recommendations to postpone the holding of such election until on or after July 1st of the school year following such notice.

Repeal

SEC. 19. Section 4901.7 of said code is repealed.

CHAPTER 1330

An act to amend Section 204a of the Code of Civil Procedure, relating to deputy jury commissioners.

In effect September 9, 1953

[Approved by Governor June 23, 1953. Filed with Secretary of State June 25, 1953.]

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

SECTION 1. Section 204a of the Code of Civil Procedure is amended to read:

204a. In any county or city and county having a population of 60,000 or over, a majority of the judges of the superior court of the State of California in and for such county, to assist the judges thereof in making selections of trial jurors, and grand jurors, and whenever in their opinion the business of the court requires it, may, in their discretion, appoint a jury commissioner for such county or city and county and such deputy jury commissioners as the board of supervisors of the county or city and county determines to be necessary. In any county or city and county having a population of 60,000 or over, but less than 217,000, the jury commissioner shall receive a salary of three hundred dollars ($300) per month, not exceeding, however, one thousand five hundred dollars ($1,500) in any one fiscal year. In any county or city and county having a population of 217,000 or over, but less than 235,000, the jury commissioner shall receive a salary of five hundred dollars ($500) per month, not exceeding, however, three thousand dollars ($3,000) in any one fiscal year. In any county, or city and county having a population of over 235,000 and not over 600,000 the jury commissioner shall receive a salary of three hundred dollars ($300) per month. The salaries of the deputy jury commissioners shall be fixed by the board of supervisors of the county or city and county at a rate equivalent to the salary rate of other county employees holding comparable positions but in no event shall the salary of a deputy be less than two hundred seventy-five dollars ($275) per month. The jury commissioner and the deputy jury commissioners shall hold office at the pleasure of the majority of the judges of the superior court in and for their respective counties, and their salaries shall be audited, allowed and paid out of the general fund of such county or city and county. The jury commissioner, in the discretion of the board of supervisors, shall also assist in the selection of juries in justices' courts and municipal courts, and, for performing this duty, shall receive additional compensation and help, the amount of which, and the number thereof, shall be determined by the board of supervisors.

Jury commissioner

Salary

Deputy jury commissioners, Salary

CHAPTER 1331

An act to repeal Section 24434 of, to add Sections 23104.3 and 23104.4 to, and to amend Sections 23107, 23387, 23770, 24071, 24073, 24074, 24300, 24432, 24433, 24439, 24466, 24498, 25604, 25631 and 25755 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 24, 1953. Filed with Secretary of State June 25, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 23104.3 is added to said code, to read:

23104.3. A retail licensee may make a return of distilled spirits to the wholesaler, rectifier or manufacturer from whom

Return of distilled spirits

he purchased the distilled spirits or to the successor of such wholesaler, rectifier or manufacturer, or in the event that such wholesaler, rectifier or manufacturer has ceased carrying on a business licensed under this division and there is no successor to such business, the return may be made to some other wholesaler, rectifier or manufacturer after the retail licensee has obtained from the board approval to make such return. A retail licensee may exchange a package of distilled spirits for a similar package of the same brand with any manufacturer, rectifier or wholesaler whether or not the retail licensee had purchased the package from the manufacturer, rectifier or wholesaler with whom he is exchanging it for a similar package of the same brand.

SEC. 3. Section 23104.4 is added to said code, to read:

Executors, administrators, etc.

23104.4. An executor or administrator of the estate of a deceased person who was not a licensee at the time of his death but in whose estate there is included an inventory of alcoholic beverages, or the guardian of the estate of an incompetent person in whose estate there is included an inventory of alcoholic beverages, is authorized to sell such alcoholic beverages to a licensee authorized to sell the same in accordance with regulations prescribed by the board.

SEC. 4. Section 23107 of said code is amended to read:

Exports

23107. Any person may, in accordance with rules and regulations to be 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 same from this State within 90 days from the date of such purchase.

SEC. 5. Section 23387 of said code is amended to read:

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 such alcoholic beverages within this State for delivery or use without the State within 90 days from the date of such sale in accordance with rules and regulations prescribed by the board.

SEC. 6. Section 23770 of said code is amended to read:

Wine grower's license

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, or authorized under the internal revenue laws of the United States to operate, 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.

SEC. 7. Section 24071 of said code is amended to read:

License transfers

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, person for whose estate a receiver is ap-

pointed, 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). In no case shall a fee be charged for the transfer of an importer's license. If the annual fee for a license is less than twenty-five dollars ($25), the fee to be charged for the transfer thereof in any case shall be in the amount of the fee payable upon an original application as provided under Sections 23320 and 23322 of this division.

Fee

SEC. 8. Section 24073 of said code is amended to read:

24073. No retail license limited in numbers shall be transferred unless 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:

Notice of intended transfer

(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, which shall be at least 10 days after the recordation of the notice, 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.

(f) The name and address of the escrow holder referred to in Section 24074 of this division.

A copy of the notice of intended transfer, certified by the county recorder, shall be filed with the board together with a transfer application.

SEC. 9. Section 24074 of said code is amended to read:

24074. 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 on or before the date when the purchase price or consideration is to be paid for the transfer of

Escrow

the license as fixed in the recorded 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.

SEC. 10. Section 24300 of said code is amended to read:

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; provided, that hearings before the board itself on reconsideration or under subdivision (c) of Section 11517 of the Government Code may be held in Sacramento or at any other place in the State where the board is meeting. 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.

SEC. 11. Section 24432 of said code is amended to read:

Coordination with federal law

24432. The board shall adopt such rules and regulations as may be necessary to coordinate so far as permitted by the provisions of this division the system of beer and wine taxation imposed by this division with the system of beer and wine taxation imposed by the internal revenue laws of the United States.

SEC. 12. Section 24433 of said code is amended to read:

Presumption of beer sale within State

24433. It shall be presumed, for the purposes of this division, that all beer removed from the internal revenue bonded premises of a beer manufacturer 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:

(a) That the beer has been sold and delivered in internal revenue bond to another beer manufacturer in this State.

(b) That the beer has been exported without this State or sold for export by the beer manufacturer making the report and actually exported from this State.

(c) That the beer is beer otherwise exempted from taxation under this division.

(d) That the beer is still in the possession of the licensee.

Repeal

SEC. 13. Section 24434 of said code is hereby repealed.

SEC. 14. Section 24439 of said code is amended to read:

Taxes paid on beer or wine subsequently exported, etc

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, or on beer or wine subsequently destroyed under the supervision of a board representative, a taxpayer may claim and shall be allowed credit with respect to the taxes in any report filed or assessment made under this division.

SEC. 15. Section 24466 of said code is amended to read:

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: Presumption of distilled spirits sale within State

(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 90 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.

SEC. 16. Section 24498 of said code is amended to read:

24498. The board for good cause may extend for not to exceed 30 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. Extension of time for making report or paying tax

SEC. 17. Section 25604 of said code is amended to read:

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. It is a public nuisance for any person to keep, maintain, operate or lease any premises for the purpose of providing therein for a consideration a place for the drinking of alcoholic beverages by members of the public or other persons, unless the person and premises are licensed under this division. As used herein "consideration" includes cover charge, the sale of food, ice, mixers or other liquids used with alcoholic beverage drinks, or the furnishing of glassware or other containers for use in the consumption of alcoholic beverage drinks. Public nuisance

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. Abatement

SEC. 18. Section 25631 of said code is amended to read:

25631. Any on- or off-sale licensee, or agent or employee of such licensee, who sells, gives, or delivers to any person any Hours of sale, etc

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.

SEC. 19. Section 25755 of said code is amended to read:

Powers of board

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, and the power to serve all warrants relating to, 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.

CHAPTER 1332

An act to repeal Section 4 of Chapter 339 of the Statutes of 1923 and Section 12024 of the Penal Code, relating to suspension of sentences of, and to the grant of probation to, persons convicted of violations of the laws governing the control of dangerous weapons.

In effect September 9 1953

[Approved by Governor June 23, 1953. Filed with Secretary of State June 25, 1953.]

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

Repeals

SECTION 1. Section 4 of the act cited in the title hereof is repealed.

SEC. 2. Section 12024 of the Penal Code is repealed.

Effect Stats 1953, Ch 36

SEC. 3. Section 2 of this act becomes operative only if Title 2 of Part 4 of the Penal Code is enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as said Title 2 takes effect.

CHAPTER 1333

An act to amend Sections 18199 and 18201 of the Education Code, relating to duties with respect to school building construction.

In effect September 9, 1953

[Approved by Governor June 24, 1953. Filed with Secretary of State June 25, 1953.]

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

SECTION 1. Section 18199 of the Education Code is amended to read:

Architect or engineer

18199. All plans, specifications, and estimates shall be prepared by a certified architect holding a valid license under Chapter 3 of Division 3 of the Business and Professions Code or by a structural engineer holding a valid certificate to use the title structural engineer under Chapter 7 of Division 3 of the Business and Professions Code, and the supervision of the

work of construction shall be under the responsible charge of such an architect or structural engineer, except that where plans, specifications, and estimates for alterations or repairs do not involve architectural or structural changes said plans, specications, and estimates may be prepared and work of construction may be supervised by a professional engineer duly qualified to perform such services and holding a valid certificate under Chapter 7 of Division 3 of the Business and Professions Code for performance of services in that branch of engineering in which said plans, specifications, and estimates and work of construction are applicable.

SEC. 2. Section 18201 of the Education Code is amended to read:

18201. From time to time, as the work of construction or alteration progresses and whenever the Division of Architecture requires, the certified architect or structural engineer in charge of construction or registered engineer in charge of other work, the inspector on the work, and the contractor shall each make to the Division of Architecture a report, duly verified by him, upon a form prescribed by the division, showing, of his own personal knowledge, that the work during the period covered by the report has been performed and materials used and installed, in every particular, in accordance with the approved plans and specifications, setting forth such detailed statements of fact as are required by the Division of Architecture. Reports

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CHAPTER 1334

An act to amend Section 980 of the Military and Veterans Code, relating to benefits for veterans, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1953. Filed with Secretary of State June 25, 1953.] In effect immediately

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

SECTION 1. Section 980 of the Military and Veterans Code is amended to read:

980. As used in this chapter, "veteran" means any person who served in the active military, naval, or air service of the United States on or after December 7, 1941, and prior to January 1, 1947, and any person who served in the active military, naval or air service on or after June 27, 1950, and prior 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 entry into active duty, a native of or a bona fide resident of this State or who, if a minor at such time, entered active duty while in the State of California and had lived in this State for six months immediately preceding his entry into active duty. "Veteran"

Whenever the Governor, after June 27, 1950, finds that the United States is no longer engaged in any type of campaign in-

volving 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 chapter.

As used in this chapter "veteran" does not include:

(a) A person who was separated from such forces under other than honorable conditions at any time after December 7, 1941.

(b) A person who was separated from such forces on account of alienage at any time after December 7, 1941.

(c) A person who performed no military duty whatever or refused to wear the uniform.

(d) A person who has received from another state a bonus, compensation, or benefit, the prerequisite of which is service in such forces, which service is the basis for the claim of benefits under this chapter.

(e) A person who served only in an auxiliary or reserve component of the armed forces whose service therein did not exempt him from the operation of the Selective Training and Service Act of 1940.

(f) A person whose active service in the armed forces was less than 90 days, unless such person was discharged from the service due to a service-connected disability within said 90-day period.

(g) A person whose service with the armed forces was due to temporary active duty orders for the sole purpose of training duty, processing or a physical examination.

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 Article IV of the Constitution, and shall go into immediate effect.

The facts constituting such necessity are:

At the present time the law is not specific as to the required length of active service in the military forces to entitle one to the benefits of the California Veterans Farm and Home Purchase Act. It is necessary that the statute defining "veteran" be clarified as soon as possible because at the present time persons who take short active duty training periods in the armed forces are demanding veterans' benefits under the Farm and Home Purchase Act and are claiming that they are eligible for such assistance. The statute was never intended to grant the benefits on the basis of such training.

CHAPTER 1335

An act to add Section 11551.5 to the Business and Professions Code, relating to subdivision maps.

In effect September 9, 1953

[Approved by Governor June 24, 1953. Filed with Secretary of State June 25, 1953.]

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

SECTION 1. Section 11551.5 is added to the Business and Professions Code, to read:

11551.5. The governing body of any city or county may disapprove a tentative map or maps of a subdivision because of flood hazard and inundation and require protective improvements to be constructed as a condition precedent to approval of the map or maps. Tentative subdivision maps

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CHAPTER 1336

An act to amend Section 700 of the Welfare and Institutions Code, relating to persons subject to jurisdiction of the juvenile court.

[Approved by Governor June 20, 1953. Filed with Secretary of State June 25, 1953.] In effect September 9, 1953

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

SECTION 1. Section 700 of the Welfare and Institutions Code is amended to read:

700. The jurisdiction of the juvenile court extends to any person under the age of 21 years who comes within any of the following descriptions: Juvenile court jurisdiction

(a) Who is found begging, receiving or gathering alms, or who is found in any street, road, or public place for the purpose of so doing, whether actually begging or doing so under the pretext of selling or offering for sale any article, or of singing or playing on any musical instrument, or of giving any public entertainment or accompanying or being used in aid of any person so doing

(b) Who has no parent or guardian; or who has no parent or guardian willing to exercise or capable of exercising proper parental control; or who has no parent or guardian actually exercising such proper parental control, and who is in need of such control.

(c) Who is destitute, or who is not provided with the necessities of life by his parents, and who has no other means of obtaining such necessities.

(d) Whose home is an unfit place for him, by reason of neglect, cruelty, or depravity of either of his parents, or of his guardian or other person in whose custody or care he is.

(e) Who is found wandering and either has no home, no settled place of abode, no visible means of subsistence or no proper guardianship.

(f) Who is a vagrant or who frequents the company of criminals, vagrants, or prostitutes, or persons so reputed; or who is in any house of prostitution or assignation.

(g) Who habitually visits, without parent or guardian, a public billiard room or public poolroom, or a saloon or a place where any spirituous, vinous, or malt liquors are sold, bartered, exchanged, or given away.

(h) Who habitually uses intoxicating liquors or habitually uses opium, cocaine, morphine, or other similar drug without the direction of a competent physician.

(i) Who persistently or habitually refuses to obey the reasonable and proper orders or directions of his parents, guardian, or custodian; or who is beyond the control of such person.

(j) Who is a habitual truant from school within the meaning of any law of this State.

(k) Who is leading, or from any cause is in danger of leading, an idle, dissolute, lewd, or immoral life

(*l*) Who is insane, feeble-minded, or so far mentally deficient that his parents or guardian are unable to exercise proper parental control over him, or whose mind is so far deranged or impaired as to endanger the health, person, or property of himself or others.

(m) Who violates any law of this State or any ordinance of any town, city, or county, of this State defining crime.

(n) Who is afflicted with syphilis, gonorrhea or chancroid and is in need of medical and custodial care, or both.

CHAPTER 1337

An act to add Section 16271.3 to the Education Code, relating to the use of school busses, and declaring the urgency thereof.

In effect immediately

[Approved by Governor June 24, 1953. Filed with Secretary of State June 25, 1953.]

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

SECTION 1. Section 16271.3 is added to the Education Code, to read:

Boy Scout Jamboree Use of school busses

16271.3. The governing board of any school district may make available any school bus owned or under lease to the district to the Boy Scouts of America, Incorporated, or their duly authorized agent, for the transportation of Boy Scouts, their parents, leaders and employees attending the Third National Boy Scout Jamboree in Orange County, California, during the month of July, 1953; provided, however, that the expense of operation of any school bus made available under the provisions of this section shall not be included in computing any state aid for transportation to said district owning or leasing such school bus.

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 of the State of California, and shall therefore go into immediate effect.

A statement of facts constituting such necessity is as follows:

Since commercial carriers cannot provide the required vehicles necessary for receiving and discharging the 50,000 Boy Scouts plus the anticipated thousands of parents, leaders and employees who will attend the national Boy Scout encampment during July, 1953, without interruption and great inconvenience

to systems of public transportation, it is necessary that this act take effect immediately.

CHAPTER 1338

An act to amend Section 275 of the Agricultural Code, relating to transportation of bees.

[Approved by Governor June 24, 1953. Filed with Secretary of State June 25, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 275 of the Agricultural Code is amended to read:

Transportation of bees. Statement

275. It is unlawful for any person to move bees within the State unless he files with the commissioner both in the county of origin and the county of destination, if the county of destination be other than the county of origin, within five days from the date of moving, a statement of the number of colonies of bees moved and the number of colonies of bees left at the point of origin, stating the definite point both of origin and destination to which said bees have been moved.

Hold notice

Whenever the director or the commissioner finds disease in more than 1 percent of the colonies in any apiary of 100 or more colonies, or in more than one colony in any apiary of less than 100 colonies, he shall hold such apiary, giving notice thereof to the owner or bailee and posting a copy of said notice in a conspicuous place in said apiary. When any such notice has been given as herein provided, it is unlawful to move such apiary, or any part thereof, or any other bee equipment from the location until all diseased bees have been destroyed as provided in Section 276. When in the opinion of the director or the commissioner the disease has been eradicated, he shall issue a permit to move such apiary. Any permit issued under the conditions specified in this paragraph shall state thereon that the apiary had been under a hold order at the point of origin, and had been released therefrom, giving the date of release. The commissioner shall mail a copy of such permit to the commissioner of the county to which such apiary is being moved.

Permit

CHAPTER 1339

An act to amend Sections 4351 and 4352 of the Public Resources Code, relating to state nurseries.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 25, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 4351 of the Public Resources Code is amended to read:

State nurseries

4351. State nurseries shall be maintained under the management of the State Forester for the growing of stock for reforestation of public and private lands, the planting of trees along public streets and highways, and for the beautifying of parks and school grounds.

SEC. 2. Section 4352 of said code is amended to read:

Maintenance and operation

4352. The State Forester shall construct and maintain such buildings, improvements, and equipment, and shall employ and fix the compensation of such employees as may be necessary to carry out the provisions of this article. The State Forester may purchase nursery stock and seed, and may distribute stock or seed for public planting or reforestation of public lands, and for the purpose of soil erosion control, watershed protection, farm wind breaks, or the production of forest products and farm woodlot products on private lands.

All trees, plants, nursery stock, or seeds sold under this article shall be sold at a price established by the State Forester and approved by the State Board of Forestry.

CHAPTER 1340

An act to add Sections 7612 and 7613 to the Public Utilities Code, relating to rail track motor cars.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 25, 1953.]

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

SECTION 1. Section 7612 is added to the Public Utilities Code, to read:

Rail track motor cars Safety requirements

7612. It shall be unlawful for any owner or operator of a railroad running through or within the boundaries of the State of California and engaged in the business of common carrier to operate for or transport its employees in a rail track motor car which is not equipped with a transparent windshield sufficient in width and height to reasonably protect said employees, which said windshield shall be of plastic or safety glass and such car shall also be equipped with an electric headlamp of sufficient candle power as to render visible at a distance of 300 feet in advance of such car under ordinary atmospheric conditions, any obstruction, landmark, warning sign or grade crossing on such railroad, and said car shall also be equipped with at least one electric light on the rear end thereof with sufficient candle power as to be visible at a distance of 300 feet under ordinary atmospheric conditions, and such car shall also be equipped with a suitable device that will remove rain, snow and sleet from the windshield on such car. The head and rear lights provided for in this section shall only be required in the hours between one-half hour before sunset and one-half hour after sunrise.

SEC. 2. Section 7613 is added to said code, to read:

7613. On and after July 1, 1954, any owner or operator of a railroad running through or within this State as a common carrier of persons or property or both, for compensation, which either operates for its employees, or which furnishes to its employees for their transportation to or from the place or places where they are required to labor, a rail track motor car that has not been fully equipped as required by Section 7612 of this code, shall be guilty of a misdemeanor; provided, that any common carrier that has not been able to equip its railroad track motor cars as required by the provisions of said section on or before July 1, 1954, may apply to the Public Utilities Commission for additional time. Upon good cause shown, the Public Utilities Commission is hereby authorized to grant additional time by order to any owner or operator of a common carrier by railroad in which to equip such cars, not to exceed one year from July 1, 1954. When such an order has been granted by said Public Utilities Commission to such carrier, the provisions of this section penalizing such rail carrier which has not so equipped its cars shall not be applicable during the period granted to it.

Penalty

Extension of time

CHAPTER 1341

An act to amend Section 225p of the Civil Code, relating to the adoption of children.

[Approved by Governor June 24, 1953. Filed with Secretary of State June 25, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 225p of the Civil Code is amended to read:

225p. Whenever a petition is filed for the adoption of a child who has been relinquished to the licensed county adoption agency by his parents, the county agency may, at the time of filing a favorable report in the superior court, require the persons petitioning to become the adoptive parents to pay to the county agency, as agent of the State, a fee of three hundred dollars ($300). The county adoption agency may defer, waive or reduce the fee when its payment would cause economic hardship to the adoptive parents detrimental to the welfare of the adopted child.

Nothing in this section shall be construed to require the payment of such fee to a county in the case of an adoption resulting from the independent placement of a child.

Adoption fee

SEC. 2. This act shall become operative July 1, 1954.

Operative date

CHAPTER 1342

An act to repeal Sections 225m and 225q of the Civil Code, and to add Chapter 2, comprising Sections 1640 to 1644, inclusive, to Part 3 of Division 2 of Welfare and Institutions Code, relating to county adoption agencies, providing for the licensing thereof by the State Department of Social Welfare, and for state reimbursement thereto for the costs of operation thereof.

In effect September 9, 1953

[Approved by Governor June 24, 1953. Filed with Secretary of State June 25, 1953.]

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

SECTION 1. Sections 225m and 225q of the Civil Code are repealed.

SEC. 2. Chapter 2 is added to Part 3 of Division 2 of the Welfare and Institutions Code, to read:

CHAPTER 2. COUNTY ADOPTION AGENCIES

County adoption agency License

1640. Any county may apply for, and the State Department of Social Welfare may issue pursuant to Chapter 1 of this part to any county agency designated by the county making the application a license to perform the home-finding and placement functions specified in subdivision (b) of Section 1620 of this code, to investigate, examine, and make reports upon petitions for adoption filed in the superior court, to act as a placement agency in the placement of children for adoption, to accept relinquishments for adoption, and to perform such other functions in connection with adoption as the State Department of Social Welfare deems necessary, or to do any of them.

Operation in other counties

In order to extend the services of licensed county adoption agencies to the maximum number of counties practicable within the limits of funds appropriated therefor the State Department of Social Welfare may license a county adoption agency to operate in such other counties in the general area of the agency as it deems conducive to the effective and efficient administration of the adoption program.

A license issued to a county agency pursuant to this section constitutes the holder thereof a "county adoption agency," and the holder shall be deemed to be an "organization" within the meaning of this code and of Chapter 2, Title 2, Part 3, Division 1, of the Civil Code.

Administrative costs

1641. The cost of administering the adoption programs undertaken by a county under license issued pursuant to Section 1640 of this code shall be borne by the State in the amount found necessary by the State Department of Social Welfare for proper and efficient administration. The State shall reimburse the county for all such necessary administrative costs after deducting therefrom the amount of fees collected by the county agency pursuant to Section 225p of the Civil Code.

1642. The State shall reimburse each licensed county adoption agency for the cost of care of children relinquished for adoption to the county adoption agency from the time of relinquishment or action in lieu thereof until placement or other disposition. However, the amount payable to any county adoption agency on any claim for such care shall not exceed three hundred dollars ($300) on the average per child, and no reimbursement shall be made for the cost of care of any child for whose care the county has previously claimed reimbursement, regardless of the length of time the county has provided care for the child. Costs of care

In providing state funds for the cost of care of children relinquished for adoption it is the intent of this section that the cost of care of a child shall not be transferred to the adoption program from any other publicly supported program unless there is reason to believe that the child can be successfully placed for adoption.

1643. County claims for reimbursement for expenses incurred for the operation of a licensed county adoption agency shall be filed with the department at the time and in the manner specified by the department and the claims shall be subject to audit by the Department of Social Welfare. All claims for cost of care shall be payable from the proper appropriation or appropriations made for the fiscal year in which the claims are filed, regardless of the time at which the expenses upon which the claims are based are incurred by the counties. County claims for reimbursement

The State Department of Social Welfare shall adopt such rules as may be necessary to determine the cost of administration and the cost of care of children relinquished for adoption and to provide for the presentation, allowance, and payment of such claims.

If any grants-in-aid are made by the Federal Government for the cost of administering an adoption program or for the cost of care of children relinquished for adoption, the amount of the federal grant shall first be applied to defer the cost of administration or of care and the remainder of the cost, if any, shall be borne by the State. Federal grants-in-aid

1644. The State shall reimburse each county for the cost of care of any child placed under the custody of a county welfare department pursuant to Section 226c of the Civil Code. County claims for reimbursement of expenses incurred pursuant to Section 226c of the Civil Code shall be filed with the department at the time and in the manner specified by the department and the claims shall be subject to audit by the Department of Social Welfare. All such claims shall be payable from the proper appropriation or appropriations made for the fiscal year in which the claims are filed, regardless of the time at which the expenses upon which the claims are based are incurred by the county. County welfare department

SEC. 3. This act shall become operative July 1, 1954. Operative date

CHAPTER 1343

An act to add Section 226c to the Civil Code, relating to the placing of children for adoption.

In effect September 9, 1953

[Approved by Governor June 24, 1953. Filed with Secretary of State June 25, 1953.]

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

SECTION 1. Section 226c is added to the Civil Code, to read:

Removal from home of petitioners

226c. At the hearing, if the court sustains the recommendation that the child be removed from the home of petitioners and does not return him to his parents, the court shall commit the child to the care of the State Department of Social Welfare or the licensed county adoption agency, whichever agency made the recommendation, for that agency to arrange adoptive placement or to make a suitable plan. In those counties not covered by a licensed county adoption agency, the county welfare department shall act as the agent of the State Department of Social Welfare and shall provide care for the child in accordance with rules and regulations established by the department.

Operative date

SEC. 2. This act shall become operative July 1, 1954.

CHAPTER 1344

An act to add Section 718f to the Civil Code, relating to the leasing of lands for the purpose of effecting production of minerals, oil, gas, and other hydrocarbon substances from other lands.

In effect September 9, 1953

[Approved by Governor June 24, 1953. Filed with Secretary of State June 25, 1953.]

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

SECTION 1. Section 718f is added to the Civil Code, to read:

Lease for production of oil, etc. Duration

718f. A lease of land for the purpose of effecting the production of minerals, oil, gas, or other hydrocarbon substances from other lands may be made for a period certain or determinable by any future event prescribed by the parties but no such lease shall be enforceable after 99 years from the commencement of the term thereof.

CHAPTER 1345

An act to add Section 202.5 to the Business and Professions Code, relating to funds of boards within the Department of Professional and Vocational Standards and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1953. Filed with Secretary of State June 25, 1953.]

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

SECTION 1. Section 202.5 is added to the Business and Professions Code, to read:

202.5. Notwithstanding any other provision of law, the Board of Nurse Examiners of the State of California, subject to the approval of the Director of Professional and Vocational Standards and the Director of Finance as to amount, terms, and provisions respecting repayment, may loan funds to the Board of Vocational Nurse Examiners of the State of California to assist the latter in carrying out its functions. Board of Nurse Examiners Loans

This section shall remain in effect until the ninety-first day after final adjournment of the 1955 Regular Session of the Legislature.

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 Board of Vocational Nurse Examiners was established to assist in relieving the critical shortage of nurses existing in the State. Because of insufficient funds it has been and is at present unable properly to discharge this responsibility. In order that it may do so and thus fulfill the purpose for which it was established, it is essential to the public health and safety that this act go into immediate effect.

CHAPTER 1346

An act to add Section 316.5 to the Education Code, relating to the powers of county boards of education.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 25, 1953.] In effect September 9, 1953

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

SECTION 1. Section 316.5 is added to the Education Code, to read:

316.5. County boards of education in counties governed by charters which provide for an elected board of education may: County boards of education Powers

(a) Adopt rules and regulations governing the administration of the office of the county superintendent of schools.

(b) Review the county superintendent of schools annual itemized estimate of anticipated revenue and expenditures before such annual itemized estimate is filed with the auditor as required by Section 29040 of the Government Code and make such revisions, reductions or additions therein that it deems advisable and proper. No such itemized estimate shall be filed by the county superintendent of schools or be approved by the board of supervisors until it has first been so reviewed and approved by the county board of education.

CHAPTER 1347

An act to amend Sections 1555, 2188, 3087.2 and 3481 of the Welfare and Institutions Code, relating to quarterly estimates of public assistance payments to counties.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 25, 1953.]

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

SECTION 1. Section 1555 of the Welfare and Institutions Code is amended to read:

Method of computing and paying amounts due counties for aid to needy children

1555. The method of computing and paying the amount provided for in Sections 1510, 1553 and 1554, for each quarter, shall be as follows:

(a) The State Department of Social Welfare 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 1510, 1553 and 1554.

(b) The State Department of Social Welfare shall then certify to the State Controller the amount so estimated by it, 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, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the State Department of Social Welfare for such prior quarter.

(c) The State Controller shall thereupon draw the necessary warrants, and prior to the audit or settlement by the State Department of Social Welfare, 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 of Social Welfare, 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 may be made by additions or deductions from the allowance for the first month of each new quarter, or in the manner prescribed by the State Department of Social Welfare.

SEC. 2. Section 2188 of said code is amended to read:

Method of computing and paying amounts due counties for aid to the aged

2188. The method of computing and paying the amounts provided for in Sections 2186 and 2187 for each quarter shall be as follows:

(a) The State Department of Social Welfare 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 2186 and 2187.

(b) The State Department of Social Welfare 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, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the State Department of Social Welfare for such prior quarter.

(c) The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by the State Department of Social Welfare, 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 of Social Welfare, 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 State Department of Social Welfare.

SEC. 3. Section 3087 2 of said code is amended to read:

Method of computing and paying amounts due counties for aid to the needy blind

3087 2. The method of computing and paying the amounts provided for in Sections 3087 and 3087.1 for each quarter shall be as follows:

(a) The Department of Social Welfare shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county under Sections 3087 and 3087.1

(b) The Department of Social Welfare 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, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Department of Social Welfare for such prior quarter.

(c) The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by the Department of Social Welfare, 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 of Social Welfare, the amount approved for the quarter, may be paid in monthly installments and, if paid in monthly installments, all necessary adjustments for the prior quarter 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 State Department of Social Welfare.

SEC. 4 Section 3481 of said code is amended to read:

Method of computing and paying amounts due counties for aid to the partially self-supporting blind

3481. The method of computing and paying the amounts provided for in Section 3480 for each quarter shall be as follows:

(a) The Department of Social Welfare shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county under Section 3480.

(b) The Department of Social Welfare 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, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Department of Social Welfare for such prior quarter.

(c) The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by the Department of Social Welfare, 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 of Social Welfare, the amount approved for the quarter, may be paid in monthly installments and, if paid in monthly installments, all necessary adjustments for the prior quarter 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 State Department of Social Welfare.

CHAPTER 1348

An act to add Sections 418.3 and 418.5 to the Vehicle Code, relating to financial responsibility requirements of owners of passenger carrying vehicles.

In effect September 9, 1953

[Approved by Governor June 24, 1953. Filed with Secretary of State June 25, 1953.]

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

SECTION 1. Section 418.3 is added to the Vehicle Code, to read:

Financial responsibility of owners of vehicles for hire

418.3. Owners of Certain Vehicles to Maintain Ability to Respond in Damages. Every owner of a vehicle used in the transportation of passengers for hire, including taxicabs, when the operation of such vehicle is not subject to regulation by the Public Utilities Commission, shall maintain, whenever he may be engaged in conducting such operations, ability to respond in damages resulting from the ownership or operation of such vehicle and arising by reason of personal injury to, or death of, any one person, of at least five thousand dollars ($5,000), and, subject to the limit of five thousand dollars ($5,000) for each person injured or killed, of at least ten thousand dollars ($10,000) for such injury to, or the death of, two or more persons in any one accident, and for damages to property of at least one thousand dollars ($1,000) resulting from any one accident. Such ability to respond in damages may be maintained by either:

(a) Being insured under a motor vehicle liability policy as defined in Section 415 against such liability.

(b) Obtaining a bond of the same kind, and containing the same provisions, as those bonds specified in subdivision (b) of Section 414.

(c) By depositing with the department eleven thousand dollars ($11,000), which amount shall be deposited in a special deposit account with the State Controller for the purpose of this section.

(d) Qualifying as a self-insurer under Section 422.4.

Return of deposit

The department shall return such deposit to the person entitled thereto when he is no longer required to maintain ability to respond in damages as required by this section or upon his death.

Penalty

Any owner of a vehicle that uses such vehicle, or permits it to be used with his consent, in the transportation of passengers for hire without maintaining ability to respond in damages as required by this section is guilty of a misdemeanor.

Local regulations

The provisions of this section shall not prevent local authorities, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, licensing and regulating the operation of any vehicle for hire.

SEC. 2. Section 418.5 is added to said code, to read:

Suspension of registration

418 5. Suspension of Registration When Owner Fails to Maintain Ability to Respond in Damages. The department shall suspend the registration of all vehicles used in the transportation of passengers for hire, except vehicles subject to regulation by the Public Utilities Commission, which are registered in the name of any person convicted of violating Section 418.3 immediately upon receipt of a duly certified abstract of the record of the court in which such person was convicted.

The suspension shall remain in effect and no such vehicle shall be registered in the name of such person unless and until he gives the department proof of his ability to respond in damages as required by Section 418 3.

CHAPTER 1349

An act making an appropriation for acquisition of real property for the State Department of Finance, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1953 Filed with Secretary of State June 25, 1953.]

In effect immediately

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

Appropriation Acquisition of real property in City of Oakland

SECTION 1. The sum of two hundred fifty thousand dollars ($250,000) is hereby appropriated from the General Fund in the State Treasury to the Department of Finance to be expended during the 1952-1953 Fiscal Year for the acquisition of real property in the City of Oakland. Such property may be acquired under the provisions of the Property Acquisition Act or, in the discretion of the Director of Finance, through the

exercise of any option the State may have on property in said city.

Urgency

SEC. 2. This act is hereby declared to be an urgency measure necessary to the immediate preservation of the public peace, health or safety within the meaning of Section 1 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 State has an option, beginning January 1, 1953, to purchase a building to be used for governmental purposes in the City of Oakland for two hundred fifty thousand dollars ($250,000) and the acquisition of this building is necessary to the immediate preservation of the public peace and safety in the Oakland area.

CHAPTER 1350

An act to add Section 70141.5 to the Government Code, relating to court commissioners.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 25, 1953.]

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

SECTION 1. Section 70141.5 is added to the Government Code, to read:

Court commissioner Additional duties

70141.5. In any county with a population exceeding 281,000 and not exceeding 900,000, as determined by the 1950 Federal Census, the superior court may provide that the commissioner, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner authorized to perform such duties shall receive an annual salary of eight thousand four hundred dollars ($8,400) and shall be allowed actual traveling expenses pursuant to Section 70148.

CHAPTER 1351

An act to amend Section 1908 of 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 June 24, 1953. Filed with Secretary of State June 25, 1953.]

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

SECTION 1. Section 1908 of the Harbors and Navigation Code is amended to read:

1908. The board may own, operate or maintain fireboats for the protection from fire of property under the control and jurisdiction of the board, or the board may contract with the City of San Francisco or any other governmental agency for all or any part of the fireboat service, but in the latter case, the amount payable by the board under the contract shall not exceed the sum of three hundred thousand dollars ($300,000) in any year. Fireboats

The board may also pay the city for furnishing to the board such services of firemen of the city as may be requested by the board and furnished by the city in the performance of fire prevention work in cooperation with the San Francisco Fire Department, on the property of the State under the control and jurisdiction of the board. The amount to be paid for such services shall not exceed the amount of salary or wages paid by the city to such firemen on account of the performance of such services for the board, including its contributions to any retirement fund, and shall not exceed the sum of thirty thousand dollars ($30,000) in any one year. Services of city firemen

In addition to the amounts which may be collected for the purposes specified in this part by the board, there shall be collected an amount sufficient to carry out the provisions of this section.

CHAPTER 1352

An act to amend Section 1915 of the Harbors and Navigation Code, relating to the Board of State Harbor Commissioners for San Francisco Harbor.

[Approved by Governor June 24, 1953. Filed with Secretary of State June 25, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1915 of the Harbors and Navigation Code is amended to read:

1915. The Board of State Harbor Commissioners for San Francisco may promote the maritime and commercial interests of the harbor by advertising its advantages and facilities and by the solicitation of business. The advertising and solicitation may be conducted within or without this State and through such agencies, mediums, employees and agents as are determined by the board. The board may, in its discretion, publish and distribute a magazine, pamphlets, booklets and other printed and advertising matter for the purpose of developing traffic and promoting and maintaining the commerce and prestige of the port, and may use any moneys of the San Francisco Harbor Improvement Fund for the special purposes authorized by this provision out of its revenues and all moneys spent by the board pursuant to this provision shall be accounted for to the State Controller. Members and employees of the board in attending conventions of port authorities and meetings of transportation clubs, trade associations and business organizations Promotion of maritime and commercial interests of San Francisco Harbor

that may advance the interests of the port shall be allowed their actual necessary expenses in the performance of such services as may from time to time be deemed desirable by the board, but no additional salary or compensation to such members or employees shall be paid on account thereof.

CHAPTER 1353

An act to add Section 1324 to the Penal Code and to repeal Sections 232, 334, and 1325 of said code, Sections 5040, 5041, 5042, 5043, 5044, and 11503 of the Elections Code, Section 1638 of the Military and Veterans Code, relating to the compelling of evidence from certain persons and to the granting to such persons of immunity from prosecution, penalty and forfeiture.

In effect September 9, 1953

[Approved by Governor June 24, 1953. Filed with Secretary of State June 25, 1953.]

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

SECTION 1. Section 1324 is hereby added to the Penal Code, to read as follows:

Duty to testify and bring forth evidence

1324. In any criminal proceeding or in any investigation or proceeding before a grand jury for any violation of Chapter 7 of Title 8 of Part 1 of the Penal Code, Section 274 of the Penal Code, Division 7 of the Elections Code, Division 14 of the Elections Code, Chapter 2 of Division 7 of the Military and Veterans Code, the offense of gaming, or for any felony offense under Division 10 of the Health and Safety Code, if a person refuses to answer a question or produce evidence of any other kind on the ground that he may be incriminated thereby, and if the district attorney of the county in writing requests the superior court in and for that county to order that person to answer the question or produce the evidence, the superior court shall so order unless it finds that to do so would be clearly contrary to the public interest, and that person shall comply with the order. After complying, and if, but for this section, he would have been privileged to withhold the answer given or the evidence produced by him, that person shall not be prosecuted or subjected to penalty or forfeiture for or on account of any fact or act concerning which, in accordance with the order, he was required to answer or produce evidence. But he may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering, or failing to answer, or in producing, or failing to produce, evidence in accordance with the order.

Repeals

SEC. 2. The following sections are repealed: Sections 232, 334 and 1325 of the Penal Code; Sections 5040, 5041, 5042, 5043, 5044 and 11503 of the Elections Code; Section 1638 of the Military and Veterans Code.

CHAPTER 1354

An act to add Section 12041.5 to the Education Code, relating to the issuance of teaching credentials.

[Approved by Governor June 24, 1953. Filed with Secretary of State June 25, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 12041.5 is added to the Education Code, to read:

12041.5. Whenever a person has completed a teacher's training course and has received a diploma granted by the University of California or by a state college and has thereafter been issued a county teaching certificate which has been renewed regularly and has taught for a period of 25 years in the grades authorized by the diploma and has been a member of and made contributions to the State Teachers' Retirement System for said period, the State Board of Education shall grant the appropriate credential or credentials to such person upon presentation of the diploma and a certificate of the county superintendent of schools setting forth the facts of such teaching; provided, however, that no credential shall be issued pursuant to this section to any person who has had a county teaching certificate revoked for any cause whatsoever. The certificate so issued shall authorize the same type of service as the original diploma.

Teaching credentials.

The teaching, service, status, and payment of any person meeting the requirements of this section is hereby validated and confirmed.

CHAPTER 1355

An act to repeal Articles 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Chapter 1 of Title 7 of the Government Code, to repeal Article 4 of Chapter 10 of Part 2 of Division 3 of Title 4 thereof, and to add Chapters 3 and 4 to Title 7 thereof, relating to conservation, planning, and zoning.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 25, 1953.]

In effect September 9, 1953

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

SECTION 1. Articles 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Chapter 1 of Title 7 of said code are repealed.

Repeals.

SEC. 2. Chapter 3 is added to Title 7 of said code, to read:

CHAPTER 3. LOCAL PLANNING

Article 1. Authority for Area Planning Commissions

65090. A planning area may include populated areas, unpopulated areas, or unimproved areas within or outside of

Planning area.

cities, or any combination of such areas. A planning area shall consist of contiguous territory.

Area planning commission

65091. By resolution, the governing bodies of the city, or cities, county, or counties, or any of them in which a planning area lies may establish an area planning commission.

Appointment

65092. With the approval of their legislative bodies, the chief executives of the cities and counties affected shall appoint the commission from the city or county planning commissions so as to give as near as possible equal representation to each city and county.

Removal

65093. A member of an area planning commission from any city or county may be removed by majority vote of the legislative body of such city or county.

Operation

65094. The operation of an area planning commission including the employment of personnel, consultants and specialists by contract shall be in accord with a plan for organization and financing mutually agreed upon by the cooperating counties and cities.

Article 2. Authority for County and City Planning

Planning commission

65300. By ordinance the legislative body of each city may, and of each county shall create a planning commission

Planning department

65301. In addition to the creation of a planning commission each county and city legislative body may by ordinance create a planning department.

City and county planning commission

65302. The legislative body of the county and the legislative body of any incorporated city or cities may create a planning commission or may combine the existing planning commissions with all the powers and duties of a city or county planning commission. All matters requiring official action by a legislative body shall be submitted to the city or county legislative body having jurisdiction.

65303. The financing and administration of a "city and county" planning commission shall be carried out as prescribed in Section 65094 of this law for an area or regional planning commission.

Exemption of chartered city

65304 The provisions of this chapter and of Chapter 4 of Title 7 shall not apply to a chartered city except to the extent that the same may be adopted by charter or ordinance of the city.

Article 3. Appointment of County and City Planning Commissions

County or city planning commission Members

65330. A county or a city planning commission shall consist of five, seven or nine members. County or city officers may be designated as ex officio members, who shall not exceed one of a five-member commission, two of a seven-member commission or three of a nine-member commission. Ex officio members shall not have a vote unless otherwise specified by the legislative body. Members of county planning commissions shall be so selected as to provide adequate agricultural representation.

65331. By resolution of the legislative body of a county or city, advisory members, who shall be county or city officers or employees, or members of the legislative body, may be appointed to advise area, county, or city planning commissions. The advisory members shall have no votes unless specified by the legislative body that they shall have a vote. Advisory members

65332. The members of a city planning commission shall be appointed by the mayor with the approval of the legislative body. Appointment

65333. The members of a county planning commission shall be appointed by the chairman of the board of supervisors, with the approval of the board.

65334. By resolution, the legislative bodies of the cities and counties affected shall appoint the members of the area planning commission from the city or county planning commissions. The term of office of each member shall correspond with his term on the city or county commission. Area commission

65335. Of the members other than ex officio or advisory members, of the county or city commission first appointed, any combination of one-, two-, three- or four-year terms to obtain the maximum staggered terms may be used. Terms

65336. The successors to the first members shall be appointed for four-year terms. Successors

65337. Vacancies shall be filled by appointment for the unexpired portion of the term. Vacancies

65338. If a chartered county provides in its charter or by ordinance for the mode of appointment, number of members, terms of office, powers and duties, and methods of removal of the planning commission of the county, such charter shall prevail. Charter provisions prevail

65339. The term of an advisory or ex officio member shall correspond to his official tenure. Term of advisory member

65340. Each advisory member may designate one of his deputies to sit on the area, county or city commission in his absence. Deputies to advisory member

65341. Any appointee member of a county or city commission may be removed by either of the following: Removal

(a) The appointing official, subject to approval of the legislative body.

(b) A majority vote of the legislative body.

65342. A member of an area planning commission from any city or county may be removed by a majority vote of the legislative body of such city or county.

Article 4. Appointment of Director of Planning and Staff

65360. The planning commission may appoint a director of planning, who shall be a person qualified by training, experience, and demonstrated ability to manage the affairs of such department. Director of planning

Officers and employees

65361. Each commission may appoint the officers and employees it deems necessary for its work. Their appointment, promotion, demotion, and removal shall be subject to the same laws which govern other corresponding civil employees.

Planning consultants, etc

65362. Each commission may employ or contract with planning consultants and other specialists for such services as it requires.

Article 5. Organization of Planning Commissions

Chairman, vice chairman, etc

65400. Each commission appointed pursuant to this chapter shall elect its chairman and vice chairman from among the appointed members. The commission shall appoint a secretary who need not be a member of the commission.

Meetings

65401. Each county and city planning commission shall hold at least one regular meeting in each month. Each area planning commission shall hold at least one regular meeting every three months.

Rules, etc

65402. Each commission shall adopt rules for the transaction of business and shall keep a public record of its resolutions, transactions, findings, and determinations.

Joint meetings

65403. Two or more county and city planning commissions may hold joint meetings and by approval of the respective legislative bodies may have the same chairman. A city or county planning commission, or both, may also hold joint meetings with a regional or area planning commission.

Cooperative arrangements

65404. Two or more city, county, regional, or area planning commissions, or any combination of them, may make cooperative arrangements for a joint director of planning and for such other employees as may be required to operate a joint staff and may contract to render technical service to another commission in the same region or area. Such arrangements or contracts shall be approved by the legislative bodies concerned.

Article 6. Authority for Financing

Fund, equipment and accommodations

65430. The county or city legislative body shall provide the funds, equipment, and accommodations necessary for the work of the planning commission of the county or city. Such appropriation may include funds to be appropriated for the work of a regional or area planning commission. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the respective purposes.

Tax levy

65431. As a part of its annual tax levy each county and city which has established a planning commission may levy and collect a tax, not to exceed in any fiscal year, two mills ($0.002) on the dollar ($1) of assessed valuation, for the purpose of defraying the lawful expenses incurred by the planning commission or planning department in carrying out the purposes of this chapter.

Gifts

65432 A regional, area, county, or city planning commission may accept gifts for any work authorized by law.

65433. The members of an area, county, or city commission, including advisory members and members of its staff, shall inform themselves on matters affecting the functions and duties of the commission. For that purpose, and when authorized such members may attend planning conferences, meetings of planning executives, or hearings on planning legislation or matters affecting all or part of the master plan. The reasonable traveling expenses incidental to such attendances shall be charges upon the funds allocated to the commission or the department. The commission or the department may when authorized pay dues for membership in organizations engaged in the study of planning. Attending, planning, conferences, etc

65434. Members of a planning commission may receive compensation for their attendance at each meeting in a sum to be fixed by the legislative body by which they are appointed. In addition, they may also receive reasonable traveling expenses to and from their usual place of business to the place of meeting of the commission. Compensation

Article 7. Authority for and Scope of Master Plans

65460. Each commission or planning department shall prepare and the commission shall adopt a comprehensive, long-term general plan for the physical development of the city, county, area, or region, and of any land outside its boundaries which in the commission's judgment bears relation to its planning. The plan may be referred to as the master plan and shall be officially certified as the master plan upon its adoption by the planning commission and the legislative body. Master plan

65461. The master plan shall be so prepared that all or portions of it may be adopted by the legislative body as a basis for the development of the city, county, area, or region.

65462. The master plan, with the accompanying maps, diagrams, charts, descriptive matter, and reports, shall include the plans specified by this article which are appropriate to the city, county, area, or region, and which may be made the basis for its physical development. The master plan may comprise any, all, or any combination of the plans specified in this article, for all or any part of the city, county, area or region.

65463. A master plan may include a conservation plan for the conservation, development, and utilization of natural resources, including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wild life, minerals, and other natural resources. A conservation plan may also cover: Conservation plan

(a) The reclamation of land and waters.

(b) Flood control.

(c) Prevention and control of the pollution of streams and other waters.

(d) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(e) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(f) Protection of watersheds.

65464. A master plan may include a land use plan, consisting of an inventory and classification of natural land types and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land.

Recreation plan

65465. A master plan may include a recreation plan, showing a comprehensive system of areas and public sites for recreation, including the following and, when practicable, their locations and proposed development:

(a) Natural reservations.

(b) Parks.

(c) Parkways.

(d) Beaches.

(e) Playgrounds

(f) Other recreation areas.

Street and highway plan

65466. A master plan may include a street and highway plan, showing the general locations, rights of way and recommended improvement of a comprehensive system of freeways, major thoroughfares, roads and streets and other traffic ways and parking facilities, and the delineation on the land thereof; the recommended treatment thereof, building setback lines, and the delineation of such systems on the land; a system of street naming, house and building numbering; and such other matters as may be related to the improvement of circulation of traffic.

Transportation plan

65467. A master plan may include a transportation plan, showing a comprehensive transportation system, including locations of rights of way, terminals, viaducts, and grade separations. The plan may also include port, harbor, aviation, and related facilities.

Transit plan

65468. A master plan may include a transit plan, showing a proposed system of transit lines, including rapid transit, streetcar, motor coach and trolley coach lines, and related facilities.

Public services and facilities plan

65469. A master plan may include a public services and facilities plan, showing general plans for sewerage, refuse disposal, drainage, and utilities, and rights of way, easements, and facilities for them.

Public buildings plan

65470. A master plan may include a public buildings plan, showing locations and arrangements of civic and community centers, public schools, libraries, police and fire stations, and all other public buildings, including their architecture and the landscape treatment of their grounds.

Community design plan

65471. A master plan may include a community design plan, consisting of standards and principles governing the subdivision of land within the scope of the Subdivision Map Act, Chapter 2 of Part 2 of Division 4 of the Business and Professions Code, and showing recommended designs for community and neighborhood development and redevelopment, including sites for schools, parks, playgrounds and other uses.

65472. A master plan may include a housing plan, consisting of a survey and reports upon housing conditions and needs, standards and plans for the elimination of substandard dwelling conditions, the improvement of housing and for provision of adequate sites for housing. Housing plan

65473. A master plan may include a redevelopment plan comprising surveys, plans, procedure, and reports for the elimination of slums and blighted areas and for community redevelopment, including housing sites, business and industrial sites, public building sites, and for other purposes authorized by law. Redevelopment plan

65474. As part of the master plan the commission may prepare, receive, and adopt additional plans and reports dealing with other subjects which in its judgment relate to the physical development of the city, county, area, or region. Nothing contained in this chapter shall be deemed to prohibit the preparation and adoption of any such subject as a part of the master plan, nor shall the people be denied action on a petition to prepare or adopt any such plans as parts of the master plan. Other plans

65475. During the formulation of master plans, the planning commissions shall inform and, to such an extent as may be necessary, confer and cooperate with such school boards, departments, or agencies as may have jurisdiction over the territory or facilities for which plans are being made, to the end that maximum coordination of plans may be secured and properly located sites for all public purposes may be indicated on the master plan. Coordination of plans

65476 Whenever a city planning commission has adopted a master plan or any major section or unit covering any land outside the boundaries of the city, which in the judgment of the commission bears relation to its planning, such plan, section or unit shall be certified to the planning commission of every county or city, the land of which is included in said plan. Certification

65477. Whenever a county planning commission has adopted a master plan or any major section or unit covering any land adjoining or within a city such plan, section or unit shall be certified to the planning commission of such city or cities.

Article 8. Procedure for Adoption of Master Plan

65500. The planning commission or the planning department may prepare and the commission may adopt all or any part of the master plan or any subject of it for all or any part of the city, county, area, or region. Master regional plans shall be coordinated with similar plans of adjoining regions, and area, county, and city master plans shall be coordinated so as to fit properly into the master plan for the region. Coordination of master plans

65501. Before adopting all or part of the master plan the commission shall hold at least two public hearings. Before adopting any amendment to the master plan the commission shall hold at least one public hearing. Hearings

65502. Notice of the time and place of the hearing shall be given by at least one publication in a newspaper of general Notice

circulation in the city, county or in each city or county in an area, at least 10 days before the hearing.

Resolution adopting plan

65503. The adoption of the master plan, or of any amendment, extension, or addition to it, shall be by resolution of the commission carried by the affirmative votes of not less than two-thirds of its total voting members.

65504 The resolution shall refer expressly to the maps and descriptive and other matter intended by the commission to constitute the plan or amendment, addition, or extension of it. The action shall be recorded on the map and plan and descriptive matter by the identifying signatures of the chairman of the commission, and of such other officials as the commission may designate.

Amendments, extensions, etc

65505. When changed conditions or further studies by the commission require, the commission may amend, extend, or add to all or part of the master plan in the manner provided in this article for its adoption.

Certification

65506. A copy of any part, amendment, extension of, or addition to the master plan adopted by a county or city planning commission shall be certified to the legislative body of the city or county.

65507. A copy of any part, amendment, extension of, or addition to, the master plan adopted by an area or regional planning commission shall be certified to each county and city planning commission and to the legislative bodies of each county and city within the area or region.

65508. The adoption of the master plan, or any amendment, extension or addition to it, as certified by a regional, an area, a county or city planning commission shall be by resolution of the legislative body or bodies affected.

Hearing

65509. Before adopting all or any part of, or amendment or addition to, a master plan, the county or city legislative body shall hold at least one public hearing. Notice of the time and place of the hearing shall be published at least once in a newspaper of general circulation in the city or county at least 10 days before the hearing

Planning commission report

65510. In adopting all or any part of, or amendment or addition to, a master plan adopted by the planning commission, the legislative body shall not make any change or addition until the proposed change or addition has been referred to the planning commission for a report and a copy of the report has been filed with the legislative body. Failure of the planning commission to report within 40 days after the reference or such longer period as may be designated by the legislative body, shall be deemed to be approval of the proposed change or addition.

Changes or additions

65511. When it deems it to be for the public interest, the legislative body may change or add to all or part of an adopted master plan.

Planning commission report

65512 The legislative body shall first refer the proposed change or addition to the planning commission for a report. Before making a report, the planning commission shall hold at

least one hearing on the proposed change or addition. It shall give notice of any such hearing, pursuant to the procedure prescribed by this article for the adoption of the master plan or any part, amendment, or addition by the planning commission.

65513. Failure of the planning commission to report to the legislative body on a proposed change or addition within 90 days after the reference or such longer period as may be designated by the legislative body, shall be deemed to be approval of the proposed change or addition by the planning commission

Hearing

65514. After the receipt of such report, the legislative body shall hold at least one public hearing on the proposed change or addition. Notice of the time and place of the hearing shall be published at least once in a newspaper of general circulation in the city or county at least 10 days before the hearing.

Adoption

65515. The master plan or any part, amendment, or addition shall be endorsed to show that it has been adopted by the legislative body.

65516. Any master plan of a county, or of any metropolitan or urban area of a county shall be certified to all city planning commissions and said plan or any portion thereof may be adopted as a part of the city master plan

Article 9. Administration of Master Plan

Planning commission recommendations

65540. After the county or city legislative body has adopted all or part of a master plan for the region, area, county, or city, or for any major section or district of it, the planning commission or the planning department shall investigate and make recommendations to the legislative body upon reasonable and practical means for putting into effect the master plan or part, in order that it will serve as a pattern and guide for the orderly physical growth and development of the region, area, county, or city and as a basis for the efficient expenditure of its funds relating to the subjects of the master plan. The measures recommended may include plans, regulations, financial reports, and capital budgets.

Annual report

65541. After the adoption of all or part of the master plan, by the county or city or area planning commission, the commission shall render an annual report to the respective county or city legislative bodies concerned on the status of the plan and progress in its application.

Public interest

65542. Each planning commission or planning department shall endeavor to promote public interest in and understanding of the master plan, and regulations relating to it.

Consultations and advice

65543. Each planning commission or planning department shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally with relation to carrying out of the master plans.

Information

65544. Upon request all public officials shall furnish to the planning commission or planning department within a reasonable time such available information as required for the work of such commission or department.

Examinations and surveys

65545. In the performance of their functions, each planning commission and its members or planning department, officers and employees may enter upon any land and make examinations and surveys; provided, that such entries examinations and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

Additional powers

65546. Each planning commission and department has the powers necessary to enable it to fulfill and carry out its planning functions, as provided in this title.

65547. By general or special rule the body creating the planning commission may provide that other matters shall be referred to the planning commission before final action is taken by the county or city body or officer with final authority on the matter, and that final action shall not be taken until the planning commission has submitted its report or has had reasonable time to be fixed in the rule, to submit the report.

65548. In reporting on such other matters the planning commission or the planning department may make such investigations, maps and reports, and recommendations relating to the planning and development of the region, area, county, or city as it deems desirable.

List of proposed public works

65549. At least three months before the end of each fiscal year each county or city officer, department, board, or commission, and each governmental body, commission, or board whose jurisdiction lies entirely within the county or city, whose functions include recommending, preparing plans for, or constructing, major public works, shall submit to the respective county or city planning commission or planning department a list of the proposed public works recommended for planning, initiation or construction during the ensuing fiscal year.

Coordinated program

65550. The county or city planning commission or planning department shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. The commission shall recommend the program to the chief executive officer or to the legislative body of the county or city and to other bodies, officers, departments, boards or commissions which have jurisdiction over the recommending, planning, or constructing of the public works.

Planning commission report Condition precedent

65551. Whenever a county or city planning commission and a county or city legislative body has adopted a master plan for the city or county or for any major section or district of it, no street, square, park, or other public ground or open space shall be acquired by dedication or otherwise, no street shall be disposed of, closed, or abandoned, and no public building or structure shall be constructed or authorized in the area to which the master plan applies, until its location, purpose, and extent have been submitted to and reported upon by the planning commission having jurisdiction.

65552. If the authorization, acquisition, financing, or acceptance of such street, square, park or other public ground or open space, or the construction or authorization of such public building or structure, is vested by law or charter in some governmental body, commission, or board other than the legislative body, such body, commission, or board shall first submit to the planning commission having jurisdiction, the location, purpose and extent of the proposed public improvement for report.

65553. The planning commission shall report its findings to the legislative body or to such other governmental body, commission or board as to whether any such public improvement conforms to the adopted master plan.

Disapproval

65554 If the planning commission disapproves the proposed public improvement, its disapproval may be overruled by such other governmental body, board, or agency.

Failure to act

65555. Failure of the planning commission to act within 40 days after the reference or such longer period as may be designated by the legislative body or such other governmental body, board, or commission, after the date of the official submission of the location, purpose, and extent of such improvement shall be deemed to be an approval

Article 10 Authority for and Scope of Precise Plans

Precise plans

65600. From time to time, the planning commission or the planning department may, or if so directed by the legislative body shall, prepare precise plans based on the master plan and drafts of such regulations, programs, and legislation as may in its judgment be required for the systematic execution of the master plan and the commission may recommend such plans and measures to the legislative body for adoption.

Contents

65601. The precise plans may include:

(a) Proposed regulations limiting the use of land and buildings, the height and bulk of buildings, and the open spaces about buildings.

(b) Proposed regulations limiting the location of buildings and other improvements with respect to existing or planned rights of way.

(c) Such other matters which will accomplish the purposes of this chapter, including procedure for the administration of such regulations.

65602 A precise plan may include street and highway naming and numbering plans, in order to establish the official names of streets and highways, in order to remove conflicts, duplication, and uncertainty among such names, and in order to provide an orderly system for the numbering of buildings and properties.

Other measures

65603. The planning commission or the planning department may prepare and submit to the legislative body and the legislative body may adopt and designate as precise plans or regulations, or both, such other measures as may be required to insure the execution of the master plan.

Article 11. Procedure for Adoption of Precise Plans and Regulations

Precise plan, etc Hearing

65650. Before recommending a precise plan or regulation to the legislative body or any amendment to it, for adoption, the planning commission shall hold at least one public hearing.

Notice

65651. Notice of the time and place of the hearing shall be given by at least one publication in a newspaper of general circulation in the city or county at least 10 days before the hearing and by such other means as the commission deems necessary.

Resolution

65652. The recommendation of any precise plan or regulation, or of any amendment to it, shall be by resolution of the commission carried by the affirmative votes of not less than two-thirds of its total voting members.

Submission to legislative body

65653. A copy of any precise plan, regulation, or amendment recommended pursuant to this article shall be submitted to the legislative body and shall be accompanied by a report of findings, summaries of hearings, and recommendations of the planning commission.

Adoption Hearing

65654. Upon receipt of a copy of any proposed precise plan or regulation based upon a master plan or amendment of such plan or regulation the legislative body may by ordinance or resolution adopt the plan or regulation Before adopting the proposed precise plan or regulation the legislative body shall hold at least one public hearing. Notice of the time and place of the hearing shall be published at least once in a newspaper of general circulation in the city or county at least 10 days before the hearing. Such plan or regulation, as adopted, shall be designated as a precise plan or regulation.

Planning commission report

65655. The legislative body shall not make a change in any proposed precise plan, regulation, or amendment thereto recommended by the planning commission until the proposed change has been referred to the planning commission for a report and a copy of the report has been filed with the legislative body.

Adoption of precise plan, etc

65656. When it deems it to be for the public interest, the legislative body may initiate and adopt an ordinance or resolution establishing any precise plans or regulations specified in Article 10.

Planning commission report

65657. The legislative body shall first refer such proposal to establish such precise plan or regulation to the planning commission for a report. Before making a report the planning commission shall hold at least one public hearing in the same manner as heretofore prescribed in this article.

Failure to report

65658. The failure of the planning commission to report within 40 days after the reference or such period as may be designated by the legislative body shall be deemed to be approval of the proposed change or ordinance or resolution.

Application of this chapter

65659. Nothing in this chapter applies to the adoption or amendment of any ordinance by the legislative body, whether or not it may relate to the subjects mentioned in Article 10 of

this chapter, except ordinances expressly adopting or amending a precise plan initiated pursuant to this chapter, and except that any ordinance imposing any regulation covered by Chapter 4 of this title shall be adopted as provided in said Chapter 4.

Article 12. Administration of Precise Plans and Regulations

Establishment of rules and procedure, etc.

65700. The legislative body may determine and establish administrative rules and procedures for the application and enforcement of precise plans and regulations, and may assign or delegate such administrative functions, powers, and duties to the planning commission or the planning department as may be required.

Creation of administrative agencies, etc.

65701. The legislative body may create administrative agencies, boards of review, appeal, and adjustment, and provide for other officials, and for funds for the compensation of such officers, employees, and agencies and for the support of their work.

Subdivision maps

65702. The legislative body of any county or city may designate the planning commission as the advisory agency with respect to the approval of subdivision maps.

Planning commission report. Condition precedent

65703. No city or county shall improve any street, or lay or authorize sewers or connections or other improvements to be laid in any street within any territory for which the legislative body has adopted a precise street or highway plan until the matter has been referred to the planning commission for a report and a copy of the report has been filed with the legislative body unless one of the following conditions applies:

Exceptions

(a) The street has been accepted, opened, or has otherwise received the legal status of a public street prior to the adoption of the plan.

(b) It corresponds with streets shown on the plan.

(c) It corresponds with streets, highways, and freeways shown on a subdivision map or record of survey approved by the legislative body.

(d) It corresponds with streets, highways, and freeways shown on a subdivision map previously approved by the planning commission.

Failure to report

65704. Failure of the commission to report on the matter within 40 days after the reference or such longer period as may be designated by the legislative body shall be deemed to be approval of such matter.

Article 13. Street Names

Similar street names. Change

65711. Whether a master plan or any portions of it have been adopted or not, whenever a county or city planning commission finds that there are two or more streets within the city or county having the same name or names so similar as to confuse the public, the commission may adopt a resolution of in-

tention to adjust, alter, or change any of such street names so as best to serve the public convenience under the procedure provided in this article.

Hearing and notice

65712. The resolution of intention shall be set for hearing. Notice of the hearing shall be given by posting a notice in at least three public places along the street proposed to be affected. The posting shall be completed at least 10 days before the day set for the hearing.

65713. At the time set for hearing or at any time to which the hearing may be continued, the commission shall hear and consider proposals to adjust, alter, or change the names of the streets mentioned in the resolution and objections to the proposals.

Recommendations

65714. At or after the conclusion of the hearing the commission may make any recommendations it deems appropriate to the county or city legislative body which shall thereupon take any action it considers proper.

Streets having more than one name

65715. When any street is known by two or more names or when portions of the same street have names that conflict, by resolution adopted without a hearing, the commission may recommend to the legislative body a single name for it.

SEC. 3. Chapter 4 is added to Title 7 of said code, to read:

CHAPTER 4. ZONING REGULATIONS

Article 1. Adoption of Regulations

Legislative body Powers

65800. Pursuant to the provisions of this chapter, the legislative body of any county or city by ordinance may:

(a) Regulate the use of buildings, structures, and land as between agriculture, industry, business, residence and other purposes.

(b) Regulate location, height, bulk, number of stories, and size of buildings and structures; the sizes of yards, courts and other open spaces; the percentage of a lot which may be occupied by a building or structure.

(c) Establish and maintain building setback lines along any street, highway, freeway, road, or alley.

(d) Create civic districts around civic centers, public parks, and public buildings and grounds for the purpose of enabling a planning commission to review all plans for buildings or structures within the district prior to the issuance of a building permit in order to assure an orderly development in the vicinity of such public sites and buildings.

Zones

65801. For such purposes the legislative body may divide a city, a county, or portions thereof into zones of the number, shape, and area it deems best suited to carry out the purpose of this chapter.

Uniform regulations

65802. All such regulations shall be uniform for each class or kind or building or use of land throughout each zone, but the regulation in one type of zone may differ from those in other types of zones.

65803. Except as otherwise provided in this article, a zoning ordinance shall be initiated and adopted in the same manner as a precise plan, pursuant to Chapter 3. This section does not require the adoption of a master plan prior to either the initiation or adoption of a zoning ordinance Zoning ordinance

65804. Except as otherwise provided in this article, an amendment to a zoning ordinance which amendment changes any property from one zone to another or imposes any regulation listed in Section 65800 not theretofore imposed or removes or modifies any such regulation theretofore imposed shall be initiated and adopted in the same manner as required for the initiation and adoption of the original zoning ordinance. Amendment

65805. If the planning commission mails in the United States mail a written notice of a hearing on a change in or addition to any zoning ordinance, not less than five days prior to such hearing, to every person whose name and address appears on the latest available assessment roll or other list approved by the legislative body as an owner of any property within the territory covered by such proposed change and within not less than 300 feet of the outer boundaries thereof, the legislative body may enact an ordinance adopting any change or addition recommended by the planning commission after holding a public hearing thereon. Notice and hearing

65806. If the planning commission, or the department of planning, in good faith, is conducting or intends to conduct studies within a reasonable time for the purpose of, or holding a hearing for the purpose of, or has held a hearing and has recommended to the legislative body the adoption of any zoning ordinance or amendment or addition thereto, or in the event that new territory may be annexed to a city, the legislative body to protect the public safety, health and welfare, may adopt, as an urgency measure, a temporary interim zoning ordinance prohibiting such and any other uses which may be in conflict with such zoning ordinance. Temporary interim zoning ordinance

65807. Except as otherwise provided in this article any amendment to a zoning ordinance may be initiated and adopted as other ordinances are initiated and adopted. Amendment

65808. If there is no city or county planning commission the legislative body of such city or county shall do all things required or authorized by this chapter of the city or county planning commission. If no planning commission

Article 2. Administration

65850. The legislative body of a county may create a board of zoning adjustment The legislative body of a city may, by ordinance, create either a board of zoning adjustment or the office of zoning administrator. Board of zoning adjustment

65851. The provisions of this article as to the powers and duties of either the board of adjustment or zoning administrator apply only insofar as not in conflict with the provisions of any local ordinance. Local ordinances govern

Zoning administrator

65852. The zoning administrator of a city shall have all the powers and duties of a board of zoning adjustment. If there is neither a board of zoning adjustment nor a zoning administrator, the planning commission shall have all the powers and duties of a board of zoning adjustment.

Board hearings

65853. The board of zoning adjustment in appropriate cases and subject to appropriate conditions and safeguards as provided by the zoning ordinance, may hear and decide:

(a) Applications for special exception, conditional uses or other permits of any kind or nature.

(b) In specific cases, applications for variances from terms of the ordinance as will not be contrary to its intent nor to the public interest, safety, health, and welfare; where due to special conditions or exceptional characteristics of such property, or its location or surroundings, a literal enforcement of the ordinance would result in practical difficulties or unnecessary hardships.

(c) Hear and decide appeals where it is alleged by the appellant there is error in any order, requirement, permit, decision, or determination made by an administrative official in the administration or enforcement of this chapter or any ordinance adopted pursuant to it.

Other powers

65854. The board of zoning adjustment also may:

(a) Exercise such other powers as may be granted by local ordinance.

(b) Adopt all rules and procedures necessary or convenient for the conduct of its business.

65855 In exercising the powers granted by Section 65853 (c) such board may, in conformity with this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as should be made, and, to that end, shall have all the powers of the officer from whom the appeal is taken.

Appeals to board

65856. Appeals to the board of adjustment may be taken by any person aggrieved, or by any officer, department, board, or bureau of the city or county affected by any decision of the administrative official. Such appeal shall be taken within a reasonable time, as provided by rules of the board, by filing with the officer from whom the appeal is taken, and with the board of adjustment, a notice of appeal specifying the grounds. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

Appeal stays all proceedings

65857 An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed except by a restraining order which may be granted by the board of adjustment or by a court of record on

application, and notice to the officer from whom the appeal is taken and due cause shown.

SEC 4. Article 4, Chapter 10, Part 2, Division 3, Title 4, of the Government Code is hereby repealed. Any ordinances passed pursuant to the Planning Act, the Conservation and Planning Act, such Article 4, or its predecessor, prior to the effective date of this act, are continued in force until repealed pursuant to law. Repeal

SEC. 5. As to any conveyance executed prior to the taking effect of this act and alleged to be in violation of any ordinance or resolution adopted pursuant to any statute or portion thereof repealed by this act, a proceeding or defense based on alleged invalidity of such conveyance by reason of such violation can be commenced or maintained only within one year after the execution of such conveyance or prior to October 1, 1954, whichever time is later, but this provision does not extend, enlarge or revise any rights with respect to proceedings or defenses which have heretofore expired or been lost by lapse of time or otherwise, nor does this provision affect or modify in any way any provisions in Chapter 1100 of the Statutes of 1949. Existing proceedings, etc

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CHAPTER 1356

An act to add Section 10490.2 to the Insurance Code, relating to the exemption of nonprofit incorporated or unincorporated mutual benefit associations from the provisions of the Insurance Code.

[Approved by Governor June 24, 1953. Filed with Secretary of State June 25, 1953.] In effect September 9, 1953

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

SECTION 1. Section 10490.2 is added to the Insurance Code, to read:

10490.2. If an association described in Section 10490.1 has operated pursuant thereto since January 1, 1945, it may procure a certificate of exemption from the commissioner upon meeting all of the requirements of this article relating thereto except those of Section 10494. Thereafter such association shall be subject to: Certificate of exemption

(a) All of the requirements of this article relating to an association holding a certificate of exemption except Section 10494, and

(b) The limitations of Section 10490.1, except that it may pay disability benefits in amounts not exceeding three thousand six hundred dollars ($3,600) in the aggregate in any one calendar year on account of the disability of any one person.

CHAPTER 1357

An act to amend Section 4795 of the Health and Safety Code, relating to the authorization and issuance of bonds of county sanitation districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1953 Filed with Secretary of State June 25, 1953]

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

SECTION 1 Section 4795 of the Health and Safety Code is amended to read:

Additional bonds

4795 If the district board by resolution passed by a vote of four-fifths of all its members determines that the public interest or necessity of the district demands the issuance of additional bonds for carrying out any of the objects of the district, the district board may again have a report made, and submit to the voters the question of issuing additional bonds in the same manner as for a first issue. All the provisions of this chapter for the issuance and sale of bonds, and for the expenditure of the proceeds apply to the issuance of additional bonds

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:

In certain county sanitation districts, bonds of the district to finance the construction of sewers and sewage disposal facilities urgently needed in such district for the preservation of the public health and safety have been authorized at an election, but such bonds have not been issued and the proceeds thereof expended because, when bids for the work were called for, it was found that the cost of the work would be greater than the amount of proceeds which could be derived from the sale of the bonds. In such cases the preservation of the public health and safety requires that a second election be called in the district to authorize additional bonds to supplement the bonds already authorized Under the present law an election to authorize such additional bonds cannot be called until the original bonds have been issued and the proceeds thereof expended. Since in the cases above mentioned it would be unsound and possibly illegal to sell the original bonds and expend the proceeds thereof when it is known that such proceeds would be insufficient to complete the project for which the bonds were authorized, the immediate preservation of the public health and safety requires that the above mentioned limitation on the authorization of additional bonds be removed by an act which takes effect immediately.

CHAPTER 1358

An act to amend Sections 14.2, 15, 15 1, 15.2, 15 3, and 18 of the Fish and Game Code, relating to powers of the Fish and Game Commission.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 14.2 of the Fish and Game Code is amended to read:

14.2. In addition to any other regular or special meetings, the commission shall hold two meetings, one in January and one in February of each year. The meetings shall be devoted to determining what, if any, orders should be made pursuant to this article in relation to fish, mollusks, crustaceans, amphibia and reptiles and to the making of such orders and what, if any orders should be made pursuant to this article in relation to birds and mammals and to the making of such orders. The commission, in the case of the meeting in February, shall give notice of the time and place of the meeting by publishing a notice thereof in one newspaper of general circulation printed and published in each of the counties and cities and counties of the State, or if no newspaper of general circulation is printed and published in a county, then in a newspaper of general circulation circulated in such county, in at least one issue of such newspaper published not less than 15 days prior to the meeting and shall also publish notice of such meeting in any publication issued by the commission after the determination of the time and place of such meeting and prior to the date thereof. Any such meeting shall be open to the public.

Meetings prescribed

Notice

SEC. 2. Section 15 of said code is amended to read:

15. The meeting in January shall be held on the first Friday after the first day of January and the meeting in February shall be held on the last Friday in February. In even numbered years the January meeting will be held in San Francisco and the February meeting in Los Angeles. In odd numbered years the January meeting shall be in Los Angeles and the February meeting in San Francisco. All such meetings shall be at the state buildings in said cities.

Time

SEC. 3. Section 15 1 of said code is amended to read:

15.1. At the meeting in January the commission shall receive recommendations from its own officers and employees, from public agencies, from organizations of private citizens, and from any interested party as to what, if any, orders should be made relating to fish, mollusks, crustaceans, amphibia, reptiles, birds, and mammals, or any species or variety thereof.

January meeting

SEC. 4. Section 15 2 of said code is amended to read:

15 2. Not later than the fifteenth day prior to its meeting in February the commission shall publicly announce its determinations and the orders it intends to make. The commission may

Public announcement

hear and consider any objections to its determinations or proposed orders.

SEC. 5. Section 15.3 of said code is amended to read.

February meeting.

15.3. At or within 10 days after the meeting in February the commission may make such orders in relation to fish, mollusks, crustaceans, amphibia, reptiles, birds, and mammals, or any species or variety thereof as it deems necessary to preserve, properly utilize or maintain the best relative number of each species or variety.

SEC. 6. Section 18 of said code is amended to read:

Publicity powers

18. The commission may do anything that it deems necessary and proper to provide publicity to its orders to the end that persons likely to be affected thereby may be informed, but the failure of the commission to provide any notice of its orders other than by filing them with the Secretary of State shall not impair the validity of such orders. Within 60 days after the meeting in February of each year, the commission shall publish and distribute in booklet form such regulations as shall be adopted at such meeting.

Copies of all such publications shall be mailed to each district attorney, county clerk and judge of a municipal court or justice court throughout the State

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CHAPTER 1359

An act to amend Section 3 of Chapter 973 of the Statutes of 1949, relating to fish.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 3 of Chapter 973 of the Statutes of 1949 is amended to read:

Termination date

Sec. 3. The provisions of Sections 495 and 496 of the Fish and Game Code 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

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CHAPTER 1360

An act to amend Section 2 of Chapter 157, Statutes of 1951, relating to game.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 2 of Chapter 157, Statutes of 1951, is amended to read:

Sec. 2. The provisions of Sections 1156 and 1157 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. Termination date

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CHAPTER 1361

An act to amend Section 340 of the Fish and Game Code, relating to public shooting grounds.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.] In effect September 9, 1953

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

SECTION 1. Section 340 of the Fish and Game Code is amended to read:

340. Except in accordance with the rules and regulations of the commission, it is unlawful to enter upon any public shooting grounds established under the provisions of this chapter, or to take therein any bird or the nest or eggs thereof, or any mammal. Public shooting grounds

The taking of birds and mammals on public shooting grounds shall be regulated by the commission by order as provided in this section. Prior to making any such order the commission shall, at an open meeting of the commission, publicly announce the contents of the order it proposes to make and at the same time shall specify a subsequent open meeting to be held not less than 30 days thereafter at which it will take final action on the proposed order.

CHAPTER 1362

An act to amend Sections 11380 and 11382 of, and add Sections 11380.1 and 11380.2 to, the Government Code, relating to rules and regulations under the Administrative Procedure Act.

[Approved by Governor June 23, 1953. Filed with Secretary of State June 26, 1953.] In effect September 9, 1953

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

SECTION 1. Section 11380 of the Government Code is amended to read:

11380. Every state agency shall: State agencies

(a) Transmit to the department for filing with the Secretary of State a certified copy of every regulation adopted by it except one which:

(1) Establishes or fixes rates, prices or tariffs.

(2) Relates to the use of public works, including streets and highways, under the jurisdiction of any state agency when the

effect of such order is indicated to the public by means of signs or signals.

(3) Is directed to a specifically named person or to a group of persons and does not apply generally throughout the State.

(b) Transmit to the department for filing with the Secretary of State a certified copy of every order of repeal of a regulation required to be filed under subdivision (a) of this section.

(c) Deliver to the department at the time of transmittal for filing a regulation or order of repeal two duplicate copies of the regulation or order of repeal together with a citation of the authority pursuant to which it or any part thereof was adopted.

SEC. 2. Section 11380.1 is added to said code, to read:

Style, etc., of regulations

11380.1. The Secretary of State shall prescribe the style in which regulations shall be prepared and a standard size form to be used in filing regulations pursuant to Section 11380, which form shall be effective on January 1, 1954. Prior to October 1, 1953, he shall notify all agencies subject to the provisions of this article of the date when the form so prescribed by him becomes effective.

SEC. 3. Section 11380.2 is added to said code, to read:

Examination

11380.2. The department shall examine each regulation or order of repeal transmitted to it for filing and determine whether it complies with the form and style prescribed by the Secretary of State. If the department approves the regulation or order of repeal for filing, it shall endorse on the certified copy thereof its approval for filing and shall transmit such copy to the Secretary of State

SEC. 4. Section 11382 of said code is amended to read:

Filing recorded

11382. The Secretary of State shall endorse on the certified copy of each regulation or order of repeal filed with or delivered to him, the time and date of filing and shall maintain a permanent file of the certified copies of regulations and orders of repeal for public inspection.

CHAPTER 1363

An act to add Section 851 to the Fish and Game Code, relating to nets.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 851 is added to the Fish and Game Code, to read:

Nets prohibited

851. In those portions of Districts 12A, 12B, and 12C lying upstream from a line drawn between Antioch Point and the westerly tip of Kimball Island and from a line drawn from Point Sacramento across the stream and touching the most easterly point on Montezuma Island no gill net, trammel net, or fyke net may be possessed on any boat.

CHAPTER 1364

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 San Bernardino, State of California, and the disposal of any right, title, or interest of the State of California therein.

[Approved by Governor June 24, 1953. Filed with Secretary of State June 26, 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 San Bernardino, 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.

Quiet title actions authorized

SEC. 2. Any action brought under the provisions of this act shall be commenced within one year from the effective date of this act.

Statute of limitations

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.

Service of summons

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 Bernardino, State of California, described as follows:

Property described

Southeast quarter of the northeast quarter, the northeast quarter of the southeast quarter and Lots ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen of Section thirty-one (31), Township eleven (11) North, Range twenty-two (22) East, San Bernardino Meridian.

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 property authorized

CHAPTER 1365

An act to repeal Chapter 6 of Division 2 of the Public Resources Code, relating to placer mining districts.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 6 of Division 2 of the Public Resources Code is 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.

CHAPTER 1366

An act to amend Section 28109 of the Government Code, relating to the salary of officers in a county of the ninth class.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 28109 of the Government Code is amended to read:

Fresno County Salaries

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:

Auditor

(a) The auditor, seven thousand eight hundred dollars ($7,800) a year.

District attorney

(b) The district attorney, twelve thousand dollars ($12,000) 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.

Supervisors

(c) Each supervisor other than the chairman of the board, six thousand dollars ($6,000) a year for all services. The chairman of the board of supervisors, seven thousand two hundred dollars ($7,200) 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.

Jurors

(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.

Expenses

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.

CHAPTER 1367

An act to amend Sections 3, 13, 14, 15, 17, 18, and 27 of, and to add Section 34.5 to, the Santa Clara County Flood Control and Water Conservation District Act, relating to the taxing powers, issuance of bonds, and financing of flood control projects of the Santa Clara County Flood Control and Water Conservation District and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.] In effect immediately

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

SECTION 1. Section 3 of the Santa Clara County Flood Control and Water Conservation Act is hereby amended to read as follows:

Sec. 3. The board of supervisors of the district created by this act, by resolutions 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 the specific benefit of such zones. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from said zones or may divide existing zones into two or more zones or may superimpose a new or amended zone on zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitling each of such zones by a zone number. 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 instituted in the manner prescribed in Section 12 of this act.

SEC. 2. Section 13 of the said act is amended to read:

Board powers Taxes and assessments

Sec. 13. The board shall have the power, in any year:

1. To levy ad valorem taxes or assessments in the district, to pay the general administrative costs and expenses, including maintenance and operation of established works, of the district, to carry out any of the objects or purposes of this act of common benefit to the district, and to provide a fund which may be used by the district to pay the costs and expenses of constructing or extending any or all works established within or on behalf of a zone or participating zones within said district when the board determines that the cost of such construction within said zone or participating zones would place too great a financial burden upon the property within said zone or participating zones within one fiscal year, and provided that taxes or assessments are levied pursuant to subdivisions (2) or (3) of this section within the zone or participating zones benefited by such construction in the years immediately following the use of said funds to replace the amounts so expended. Such taxes or assessments may be levied by either of the following methods:

(a) By a levy or assessment upon all property within the district, including land, improvements thereon, and personal property; or

(b) By a levy or assessment upon all real property within the district, including both land and improvements thereon.

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; or

(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 assessments upon any property in each or any of said zones, according to the provisions and procedures of the Improvement Act of 1911, the Improvement Bond Act of 1915, the Municipal Improvement Act of 1913, or the Refunding Assessment Bond Act of 1935.

In the event of project cooperation with any of the governmental bodies as authorized in subdivision 7 of Section 5 of this act, and 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 agreed to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said contract it is agreed that 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 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 of the several zones from the taxes or assessments levied under the provisions of subdivision 2 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. 3. Section 14 of said act is amended to read:

Bond issues

SEC. 14. (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 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 Santa Clara 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.

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.

(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 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 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.

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. If at such election two-thirds ($\frac{2}{3}$) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such zone or participating

Election result

zones for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 4. Section 15 of said act is amended to read:

Sec. 15. 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 zones 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. Form of bonds, etc.

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. Series

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 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 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 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. Denominations, signatures, etc

SEC. 5. Section 17 of said act is amended to read:

Sec. 17. 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 13 of this act. No zone nor the property therein shall be liable for the share of bonded indebtedness of any other zone, nor shall any moneys derived from Bond payment

taxation or assessment in any of the several zones be used in payment of principal or interest or otherwise of the share of bonded indebtedness chargeable to any other zone, except in the case of joint projects by participating zones

Deposit and registry

Said bonds may be deposited and registered with the treasurer of the county, and it shall be an official duty of said treasurer to receive and register said bonds in the name of the holder and to keep a sufficient book of registry thereof setting forth a description of the bonds and the names and addresses of the respective holders, and to give each holder of such bonds so registered a receipt therefor; that said receipts shall be personal to the respective holders and not transferable. That such bonds shall be returned to such holders thereof or in case of death to the duly appointed personal representative of the holder's estate, upon the giving of receipt therefor, with or without return of the receipt given by the treasurer at the time of such deposit and registry. And the treasurer, at the request of such holder, or such personal representative, may detach and deliver to such holder or personal representative, mature coupons from time to time, first taking receipts therefor.

SEC. 6. Section 18 of said act is amended to read:

Payment of interest, etc

Sec. 18. 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 Santa Clara County to the credit of the zone of payment, 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 Santa Clara County in the manner provided by law for the payment of principal and interest on bonds of said county.

SEC. 7. Section 27 of said act is amended to read:

Repeal, etc., of act

Sec. 27. The repeal or amendment of this act or the change in boundaries of any zone of the district 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.

SEC. 8. Section 34.5 is added to said code, to read:

Exemption

Sec. 34.5. The provisions and procedures of law available under this act are not subject to "The Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

Urgency

SEC. 9. 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 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. In order to make bond funds available as soon as possible to prevent loss and damage to property and county roads, it is necessary that this act take effect immediately.

CHAPTER 1368

An act to amend Section 1164 of, and to add Sections 1164.2 and 1164.5 to, the Fish and Game Code, relating to hunting and hunting licenses.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1164 of the Fish and Game Code is amended to read:

License revocation or suspension. Killing or wounding human being.

1164. Whenever any person, while hunting, kills or wounds any human being and that fact is ascertained by the department, the department shall notify the district attorney of the county in which the act occurred. The district attorney shall thereupon bring an action in the municipal or justice court of the judicial district in which the act occurred for the revocation of the hunting license of the person who did the killing or the wounding. If the court finds that such person did the killing or wounding but that it was caused by a ricochet or that such person was otherwise without fault the court shall dismiss the proceeding. Otherwise, if the court finds such person did the killing or wounding it shall revoke the hunting license of such person and no hunting license shall thereafter be issued to such person.

Penalty.

Any person whose license has been revoked under this section who applies for a hunting license or hunts without a license is guilty of a felony.

SEC. 2. Section 1164.2 is added to said code, to read:

Killing or wounding domestic animal.

1164.2. Whenever any person, while hunting, kills or wounds any domestic animal belonging to another and that fact is ascertained by the department, the department shall notify the district attorney of the county in which the act occurred. The district attorney shall thereupon bring an action in the municipal or justice court of the judicial district in which the act occurred for the revocation of the hunting license of the person who did the killing or wounding. If the court finds that such person did the killing or wounding but that it was caused by a ricochet or that such person was otherwise without fault the court shall dismiss the proceeding. Otherwise, if the court finds

such person did the killing or wounding it shall revoke the hunting license of such person and no hunting license shall thereafter for a period of five years be issued to such person.

SEC. 3. Section 1164.5 is added to said code, to read:

Revocation report

1164.5. Whenever a hunting license is revoked pursuant to Section 1164 or Section 1164.2, the court in which the proceeding for revocation was had shall report the facts to the department at its Sacramento office. The report shall show the date and place of the occurrence, the name and address of the person who did the killing or wounding, the name and address of the person who was killed or wounded or the name and address of the owner of the animal, as the case may be, and such other information as the department may require. The department shall maintain a record of all revocations under Section 1164 and Section 1164.2. The record shall show the name and address of the person whose license was revoked, and, in the case of each revocation under Section 1164.2, the date of the revocation. The department shall periodically transmit copies of such records to each person authorized to issue a hunting license and to each district attorney in the State.

Record

CHAPTER 1369

An act to amend Sections 28117 and 69690 of the Government Code, relating to compensation for public service in counties of the seventeenth class.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 28117 of the Government Code is amended to read:

Stanislaus County Salaries

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:

Auditor

(a) The auditor, seven thousand two hundred dollars ($7,200) a year.

District attorney

(b) The district attorney, eight thousand four hundred dollars ($8,400) a year.

Supervisors

(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.

Jurors

(d) Grand jurors shall receive five dollars ($5) for each day's attendance and trial jurors in the superior court shall receive

three dollars ($3) for each day's attendance. Grand jurors and trial jurors in the superior court shall receive 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, five dollars ($5) 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. Incumbents

SEC. 2. Section 69690 of said code is amended to read:

69690. The annual salary of each judge of the Superior Court of the County of Stanislaus is fifteen thousand dollars ($15,000). Superior court judges

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CHAPTER 1370

An act to amend Section 417 of the Education Code and to amend Section 28117 of the Government Code, relating to compensation for public service in counties of the seventeenth class.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 417 of the Education Code is amended to read:

417. The annual salary of the county superintendent of schools of a county of the seventeenth class is ten thousand dollars ($10,000), and he shall possess a valid general administrative credential issued by the State Board of Education. Stanislaus County salaries. County superintendent of schools

SEC. 2. Section 28117 of the Government 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:

(a) The auditor, seven thousand two hundred dollars ($7,200) a year. Auditor

(b) The district attorney, eight thousand four hundred dollars ($8,400) a year. District attorney

(c) Each supervisor, six thousand dollars ($6,000) 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, Supervisors

and maintenance of the automobiles shall be paid from county funds. The use of automobiles is in lieu of any other mileage.

Jurors

(d) Grand jurors shall receive five dollars ($5) for each day's attendance and trial jurors in the superior court shall receive three dollars ($3) for each day's attendance. Grand jurors and trial jurors in the superior court shall receive 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, five dollars ($5) 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.

Incumbents

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 1371

An act to amend Sections 151, 202, 205, 209, 209.1, 251, and 455 of, to add Sections 151.2, 203, and 463 to, and to repeal Sections 203 and 204 of, the Unemployment Insurance Act (Chapter 352 of the Statutes of 1935), and to add Sections 2608 to 2611, inclusive, 2651 to 2655, inclusive, 2707 to 2707.6, inclusive, and 3270 to, and to amend Sections 2602, 2627, 2703, 2801, 2804 and 3263, to repeal Sections 2651, 2652, 2704, and 2707, and to amend and renumber Section 2653 of the Unemployment Insurance Code, relating to unemployment disability compensation

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 151 of the Unemployment Insurance Act is amended to read:

Application of definitions, etc

SEC. 151. (a) Except as otherwise provided, the provisions and definitions of Articles 1 to 9, inclusive, of this act apply to this article. In case of any conflict between the provisions of Articles 1 to 9, inclusive, and the provisions of this article, the provisions of this article shall prevail with respect to unemployment compensation disability benefits and the provisions of Articles 1 to 9, inclusive, prevail with respect to unemployment compensation benefits.

(b) The provisions of Article 3 of the act do not apply to this article.

(c) Sections 52, 55, 57, 57.5 and 67 of the act do not apply to this article.

(d) Subdivisions (f), (g), (h), (i), (j), (m), (q) and (r) of Section 6 of the act do not apply to this article.

(e) An individual who is disqualified from receiving unemployment compensation benefits under Section 58 of this act shall be presumed to be ineligible to receive unemployment compensation disability benefits under this article for the same period or periods unless the individual establishes to the satisfaction of the commission that he is suffering a bona fide illness or injury and the commission finds that there is good cause for paying such benefits.

(f) An individual who is disqualified from receiving unemployment compensation benefits under Section 56 of this act shall be presumed to be ineligible to receive unemployment compensation disability benefits under this article 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 the alleged disability required a period of hospitalization, and that his alleged disability was not caused by and did not arise out of the trade dispute and that the alleged disability 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 252, 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 conditions hereinabove set forth have been met.

SEC. 2. Section 151.2 is added to said act, to read:

Definitions

SEC. 151.2. As used in this article:

(a) "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 article, 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.

(b) "Valid claim" means any claim for unemployment compensation disability benefits made in accordance with the provisions of this act 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 203

(c) "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.

(d) "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.

SEC. 3. Section 202 of said act is amended to read:

Claims separate

Sec. 202. 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.

SEC. 4. Section 205 of said act is amended to read:

Compensation conditions

Sec. 205. A disabled individual shall be eligible to receive unemployment compensation disability benefits equal to one-seventh ($\frac{1}{7}$) of his weekly benefit amount for each full day during which he is unemployed due to a disability and only if the commission finds that:

(a) He has made a claim for unemployment compensation disability benefits as required by authorized regulations; and

(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 252, he has submitted to a reasonable examination or examinations, if so required by the commission, for the purpose of the commission determining his mental or physical disability.

(d) He has filed a certificate as required by the provisions of Section 252 of this act.

Repeal

SEC. 5. Sections 203 and 204 of said act are hereby repealed.

SEC. 6. Section 203 is added to said act, to read:

Compensation computation

Sec 203. 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 section.

(a) 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); provided, however, that if more than 75 percent of his disability base period wages were paid during a single calendar quarter, he shall not be eligible for benefits unless his total wages during the disability base period are not less than 30 times his weekly benefit amount.

(b) The maximum amount of benefits payable to an individual during any one disability benefit period shall be 26 times his weekly benefit amount.

(c) For the purpose of this section wages due to any individual but unpaid within the time limit provided by law, shall be deemed wages paid to such individual.

(d) 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. "Weekly benefit amount"

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
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

SEC. 7. Section 209 of said act is amended to read:

Sec. 209. Commencing January 1, 1950, any disabled individual eligible for benefits under Article 10 of this act shall, during his confinement in a hospital, be entitled to receive in addition to all benefits otherwise provided in this act, and irrespective of his receipt of remuneration from his employer, the amount of ten dollars ($10) for each day not in excess of twelve (12) days in any one disability benefit period, during which he Additional benefits

is so confined pursuant to orders of his physician; and any such individual shall not be subject to any waiting period requirement as a condition precedent to the receipt of any benefits under Article 10 of this act during the disability which caused such confinement.

Where the disabled individual eligible for additional benefits during hospital confinement has first given his written consent thereto with respect to a particular claim, the additional benefits during hospital confinement payable hereunder shall be paid directly to the hospital in which he is confined in accordance with rules and regulations adopted by the commission 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 act.

SEC. 8. Section 209.1 of said act is amended to read:

Ineligibility

SEC. 209.1. 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 209 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.

SEC. 9. Section 251 of said act is amended to read:

Notice of filing, etc

SEC. 251. (a) 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.

(b) Within two working days after receipt of the notice provided for in subsection (a) 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 department of any information known to him which may bear upon the eligibility of the claimant.

(c) The facts submitted by the employer pursuant to subsection (b) 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.

(d) 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

(e) 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 subsection (c) hereof.

(f) Any computation or determination provided for in this section 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

(g) Notices, protests, and information required under this section shall be submitted in accordance with authorized regulations

SEC. 10. Section 455 of said act is amended to read:

Exemptions

SEC. 455. From and after the effective date on which disability benefits become payable under Section 403 of this act, neither an employee nor his employer shall be liable for the contributions required by Sections 44, 44.2, or 400 of this act with respect to wages paid by the employer while the employee is covered by an approved voluntary plan, and such an employee shall not be entitled to benefits from the Disability Fund, except as provided in this section, for a disability which commenced while he is covered by the voluntary plan and except that authorized regulations shall be prescribed to allow benefits to individuals simultaneously covered by one or more approved voluntary plans and the Disability Fund.

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 exemptions from contributions as provided in this section.

SEC. 11. Section 463 is added to said act, to read:

Inoperative period

SEC 463. The provisions of Section 451 (h) and that portion of Section 450 1 (h) dealing with substantial selection of risks adverse to the Disability Fund shall be inoperative during the calendar years 1954 and 1955.

NOTE The sections of the Unemployment Insurance Code affected by this chapter appear in their proper places in that code, Chapter 308 of Statutes of 1953, as required by Section 9762 of the Government Code

Operative date

SEC 25. Sections 12 to 24, inclusive, of this act become operative at the same time as the Unemployment Insurance Code becomes operative, at which time the sections of the Unemployment Insurance Act, added or amended by this act are repealed.

Same

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 1372

An act to repeal Article 5, comprising Section 12060, of Chapter 1 of Division 7 of, to add Article 5 to Chapter 1 of Division 7 of, to repeal Sections 12130.1, 12131.2, 12138, and 12402.1 of, and to amend Section 12400.1 of, the Education Code, relating to licensing of educational personnel in the Public School System.

In effect September 9, 1953

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

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

SECTION 1. Article 5, comprising Section 12060, of Chapter 1 of Division 7 of the Education Code is repealed.

SEC. 2. Article 5 is added to Chapter 1 of Division 7 of the Education Code, to read:

Article 5. Provisional Credentials

Provisional credentials.

12060. Provisional credentials may be issued in accordance with regulations adopted by the State Board of Education.

12061. The minimum standard for a provisional credential shall be such as may be prescribed by the State Board of Education.

12062 The regulations adopted by the State Board of Education prescribing the minimum standards for a provisional credential shall give consideration to training and to teaching experience in California schools.

It is not the intent of the Legislature to exclude from credentials applicants who have given satisfactory service in the schools of this State in positions requiring certification qualifications.

Repeal

SEC. 3. Sections 12130.1, 12131.2, and 12138 of said code are repealed.

SEC. 4. Section 12400.1 of said code is amended to read:

Renewal

12400.1. A provisional credential may be renewed in accordance with regulations adopted by the State Board of Education.

Repeal

SEC. 5. Section 12402.1 of said code is repealed.

Operative date

SEC 6. This act shall become operative on July 1, 1954.

CHAPTER 1373

An act to provide for the emergency use of prison labor in earthquake areas, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

Use of prison labor

SECTION 1. Any department, division, bureau, commission or any other agency of the State of California or of a local unit of government of the State of California, may request of the

Director of Corrections the use of prisoners confined in the state prisons for the purpose of demolishing public and private buildings and structures damaged by earthquake and for the clearing of debris in such areas. The Director of Corrections, with the approval of the Director of Finance, may enter into contracts or agreements with such governmental agencies for the purposes of this act and may send to camps or other appropriate housing facilities, to be establish by him, such prisoners as may have been determined by the Adult Authority to be eligible for assignment thereto. The work to be done by such prisoners shall be designated and supervised by representatives of the governmental agency requesting such services.

Eligibility of prisoners

SEC. 2. The Adult Authority shall determine which prisoners shall be eligible for assignment to a project under this act and shall establish and modify lists of prisoners eligible for such assignment. No prisoner shall be released for such assignment until his eligibility therefor has been determined by the Adult Authority. The director shall return to prison any prisoner when so directed by the Adult Authority and may return to prison any prisoner whose employment is not necessary or who violates any rule or regulation of the prison or camp.

Transportation, housing, etc

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.

Appropriation

SEC. 4. 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.

Termination date

SEC. 5. This act shall terminate on December 31, 1953

Repeals

SEC. 6. Chapter 14 of the Second Extraordinary Session of 1952 and Chapter 286 of the Statutes of 1953 are hereby repealed.

Urgency

SEC. 7 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 condition of public and private buildings damaged by the recent earthquakes, and the great likelihood of more earthquakes in the very near future, constitute a serious threat to the peace and safety of the residents of the affected areas unless immediate steps are taken. It is therefore necessary that available manpower in the state prisons be utilized in the interests of public safety for the protection of residents of the earthquake areas.

CHAPTER 1374

An act to amend Section 14256 of the Government Code, relating to state public works projects for district agricultural associations and state agencies.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 14256 of the Government Code is amended to read:

Projects carried out by state agencies

14256. Where the nature of the work in the opinion of the department is such that its services in connection therewith are not required, it may, with the approval of the Department of Finance, authorize the carrying out of the project directly by the state agency concerned therewith if

(a) The project is for construction or improvement of fairgrounds for a district agricultural association and the total cost will not exceed thirty-five thousand dollars ($35,000), or

(b) The project is for a state agency other than a district agricultural association and

(1) The project is for maintenance, maintenance replacement, nonstructural alteration, or repair and the total cost will not exceed twenty thousand dollars ($20,000), or

(2) The project is not specifically mentioned above and the total cost will not exceed twenty thousand dollars ($20,000).

Bids

If the estimated total cost of any construction project or work carried out under this section exceeds five thousand dollars ($5,000), the district or agency shall solicit bids in writing and shall award the work to the lowest responsible bidder or reject all bids; provided, however, that the Director of Public Works may authorize the district or agency to carry out work in excess of five thousand dollars ($5,000) under the provisions of this section by day labor if he deems that the award of a contract, the acceptance of bids, or the acceptance of further bids is not in the best interests of the State.

CHAPTER 1375

An act adding Section 31008 of the Water Code, relating to county water districts.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 31008 is added to the Water Code, to read:

Pensions, insurance, etc.

31008. A district may provide for the pension of officers or employees and the creation of a special fund for the purpose of paying such pension and the accumulation of contributions to said fund from the revenues of the district, the wages of officers or employees, voluntary contributions, gifts, donations, or

any source of revenue, not inconsistent with the general powers of the board, and may contract with any insurance corporation or any other insurance carrier for the establishment and maintenance of group insurance, a system of group annuities, and a pension service for such officers and employees, and may provide for the terms and conditions under which such pensions, group insurance, or group annuities shall be allowed, and for the time and extent of service of officers or employees before such pensions, group insurance, or group annuities shall be available to them.

CHAPTER 1376

An act to amend Section 8361 of the Water Code, relating to flood control.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 8361 of the Water Code is amended to read:

Sacramento River Flood Control Project Units maintained by State

8361. The department, acting by and through the State Engineer, shall maintain and operate on behalf of the State the following units or portions of the works of the Sacramento River Flood Control Project, and the cost of such maintenance and operation shall be defrayed by the State.

(a) The east levee of the Sutter By-pass north of Nelson Slough.

(b) The levees and channels of the Wadsworth Canal, Willow Slough Channel downstream from the Southern Pacific Railroad from Davis to Woodland except that portion of the north levee thereof lying within Reclamation District No. 2035, Putah Creek downstream from Winters, the intercepting canals draining into them, and all structures incidental thereto.

(c) The collecting canals, sumps, pumps and structures of the drainage system of Project No. 6 east of the Sutter By-pass.

(d) The by-pass channels of the Butte Slough By-pass, the Sutter By-pass, the Tisdale By-pass, the Yolo By-pass and the Sacramento By-pass with all cuts, canals, bridges, dams, and other structures and improvements contained therein and in the borrow pits thereof.

(e) The levees of the Sacramento By-pass

(f) The channels and overflow channels of the Sacramento River and its tributaries within the Sacramento and San Joaquin Drainage District

(g) The Knights Landing ridge cut flowage area.

(h) The flood relief channels controlled by the Moulton and Colusa Weirs and the training levees thereof.

(i) The levee on the left bank of the Sacramento River adjoining Butte Basin, from the Butte Slough outfall gates upstream to a point four miles northerly from the Moulton Weir, after completion.

(j) All weirs and relief structures.

(k) The west levee of the Yolo By-pass, extending from the west end of the Fremont Weir southerly to the Cache Creek Settling Basin and from Willow Slough Channel to Putah Creek and the east levee of the Yolo By-pass from Fremont Weir southerly two miles.

(*l*) The levee on the west bank of Feather River extending a distance of about two miles southerly from the Sutter-Butte Canal headgate.

(m) The levees of Cache Creek and the easterly and westerly levees of Cache Creek settling basin.

(n) The flowage area of Western Pacific Intercepting Canal extending northerly for a distance of five miles from Bear River.

CHAPTER 1377

An act to amend Section 14272 of the Government Code, relating to the performance of work under the State Contract Act.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 14272 of the Government Code is amended to read:

Performance of work projects

14272. Work on all projects shall be done under contract awarded to the lowest responsible bidder pursuant to this chapter, except that it may be done by day's labor under the direction of the department:

(a) In case of emergency due to the failure of any bridge or other highway structure.

(b) In case of emergency due to damage to a state-owned building or any other state-owned real property or improvements located thereon, by an act of God, including but not limited to damage by storm, flood, fire or earthquake, for work and remedial measures which are required immediately.

(c) At any time after the approval of plans, specifications and estimates of cost, if the director deems the advertising or award of a contract, the acceptance of any bid, or the acceptance of any further bids after the rejection of all submitted bids, is not in the best interests of the State.

CHAPTER 1378

An act to add Section 1252.1 to Article 1 of Chapter 2 of Part 2 of Division 2 of the Water Code, relating to appropriation of water.

In effect September 9 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 1252.1 is added to Article 1 of Chapter 2 of Part 2 of Division 2 of the Water Code, to read:

1252.1. An appropriation of water of any stream or other source of water under this part does not confer authority upon the appropriator to prevent or interfere with soil conservation practices above the point of diversion in the watershed in which such stream or other source originates, which practices do not themselves constitute an appropriation for which a permit is required by this part. Appropriator's rights limited

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CHAPTER 1379

An act relating to the California Toll Bridge Authority.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

In effect September 9, 1953

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

SECTION 1. The California Toll Bridge Authority shall return the appropriations made by Chapter 1289, Statutes of 1947, Item 320 in the Budget Act of 1948 (Chapter 23), and Item 248 in the Budget Act of 1949 (Chapter 700) except to the extent reappropriated by Item 245.1 in the Budget Act of 1950 (Chapter 2) or so much of the appropriations as it has expended, including amounts expended for state employees' retirement contributions, with interest on the portion of the appropriations expended at one and one-half percent (1½%) per annum, to the funds from which the appropriations or expenditures were made. The repayment of the portion of the appropriations expended together with the interest thereon shall be made from the proceeds of the first sale of revenue bonds for construction of an additional toll crossing across San Francisco Bay from the City and County of San Francisco to the County of Alameda. If revenue bonds are not issued for the construction of an additional toll crossing any moneys expended from the appropriations with the interest thereon shall be returned to the funds from which they have been withdrawn from the tolls and revenues of the existing San Francisco-Oakland Bay Bridge. Return of appropriations

The portion of the appropriations expended together with the interest thereon shall be returned to the funds from which they are withdrawn only after all revenue bonds issued and sold by the California Toll Bridge Authority for the construction of said bridge, or for the refunding of the indebtedness thereof, 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 appropriated by the State and expended from the State Highway Fund for the acquisition and construction of the highway approaches leading to and upon such toll bridge at both the Alameda County and the San Francisco ends thereof, as provided by Section 30607 of the Streets and Highways Code. The California Toll Bridge Authority is hereby authorized to continue to fix and collect tolls on said bridge for the purpose of reimbursement of the funds as may be required by this proviso. Redemption of bonds, etc

Interest computation

It is and was the intent of the Legislature that the interest is to be computed on the basis of simple interest, computed from the day of withdrawal.

CHAPTER 1380

An act to amend Section 8.5 of the Civil Defense Act of 1950 (Chapter 3 of the Statutes of the Third Extraordinary Session of 1950), relating to the effective date of the Civil Defense Act of 1950.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 8.5 of the act cited in the title hereof is amended to read:

Termination date

Sec. 8.5. The provisions of this act 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 effect.

CHAPTER 1381

An act to amend Section 4 of Chapter 1422 of the Statutes of 1945, relating to beaches, parks, and public recreation facilities.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 4 of Chapter 1422 of the Statutes of 1945 is amended to read:

Appropriation Public recreational purposes

Sec. 4. The sum of fifteen million dollars ($15,000,000) is hereby appropriated to the Division of Beaches and Parks, Department of Natural Resources out of any money in the State Treasury not otherwise appropriated to be expended in the manner provided by law for lands for public recreational purposes, including the acquisition of ocean beaches, tidewater bays and inlets and including lands for park purposes, where the State Park Commission determines that such acquisition is a matter of general public and state interest.

Of the moneys appropriated by this act not more than two-thirds thereof, if expended, shall be expended for the acquisition of ocean beaches, tidewater bays and inlets.

Of the moneys appropriated by this act not more than one-third thereof, if expended, shall be expended for the acquisition of lands for state park purposes.

No expenditure of any of the money appropriated by this act shall be made except for the acquisition of federal or state lands, unless the amount thereof is matched by like amounts in money, property or lands received from private or other sources.

CHAPTER 1382

An act to amend Section 340 of the Code of Civil Procedure, relating to limitation of actions.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.] In effect September 9, 1953.

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

SECTION 1. Section 340 of the Code of Civil Procedure is amended to read:

340. Within one year: Statute of limitations

1. An action upon a statute for a penalty or forfeiture, when the action is given to an individual, or to an individual and the State, except when the statute imposing it prescribes a different limitation;

2. An action upon a statute, or upon an undertaking in a criminal action, for a forfeiture or penalty to the people of this State;

3. An action for libel, slander, assault, battery, false imprisonment, seduction of a person below the age of legal consent, or for injury to or for the death of one caused by the wrongful act or neglect of another, or by a depositor against a bank for the payment of a forged or raised check, or a check that bears a forged or unauthorized endorsement, or against any person who boards or feeds an animal or fowl or who engages in the practice of veterinary medicine as defined in Business and Professions Code Section 4826, for such person's neglect resulting in injury or death to an animal or fowl in the course of boarding or feeding such animal or fowl or in the course of the practice of veterinary medicine on such animal or fowl;

4. An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process;

5. An action against a municipal corporation for damages or injuries to property caused by a mob or riot;

6. An action against an officer to recover damages for the seizure of any property for a statutory forfeiture to the State, or for the detention of, or injury to property so seized, or for damages done to any person in making any such seizure.

SEC. 2. This amendment shall not be applicable to or anywise prejudice or affect any action heretofore commenced or now pending in any of the courts of this State. Not retroactive

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CHAPTER 1383

An act to add Section 7692.5 to the Business and Professions Code, relating to false or misleading statements by funeral directors and embalmers.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.] In effect September 9, 1953.

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

SECTION 1. Section 7692.5 is added to the Business and Professions Code, to read:

False, etc., statement Penalty

7692.5. Any false or misleading statement regarding any law or regulation pertaining to the preparation for burial, transportation for burial, or burial of the dead, made wilfully by a licensee to obtain business as a funeral director or embalmer, constitutes a ground for disciplinary action.

CHAPTER 1384

An act to codify certain statutes, relating to the parole of prisoners, by amending Section 3001 of, by adding Article 3.5 to Chapter 8 of Title 1 of Part 3 of, and by adding Article 3 to Chapter 2 of Title 1 of Part 4 of, the Penal Code, and repealing Chapter 452 of the Statutes of 1909 and Chapter 171 of the Statutes of 1937.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 3001 of the Penal Code is amended to read:

Definitions

3001. (a) "Board," "Board of Prison Terms and Paroles" and "Division of Prison Terms and Paroles," as used in this chapter, refer to the Adult Authority.

(b) "State Board of Prison Directors" as used in Section 3056 refers to the department.

(c) "State Board of Prison Directors" as used in Section 3057 refers to the Adult Authority.

(d) "Chairman of the Board" as used in Sections 3060 and 3062 refers to the Chairman of the Adult Authority.

(e) "Board" as used in Sections 3075 to 3083, inclusive, means county boards of parole commissioners.

SEC. 2. Article 3.5 is added to Chapter 8 of Title 1 of Part 3 of said code, to read:

Article 3.5. County Boards of Parole Commissioners

County parole commissioners

3075. There is in each county a board of three parole commissioners, consisting of the sheriff, district attorney, and chief of police (or other chief or sole peace officer) of every city which is the county seat.

Powers, etc.

3076. The board shall act at regularly called meetings at which two-thirds of the members are present, and shall make and establish rules and regulations in writing stating the reasons therefor under which any prisoner who is imprisoned in any county jail, or in the city jail of any city in any county, or in any jail as the prisoner of any city, or in any other jail in any county, after judgment of conviction for the commission of a misdemeanor, may be allowed to go upon parole outside of any jail in which he is imprisoned, but to remain, while on parole,

in the legal custody and under the control of the board establishing the rules and regulations for his parole, and subject at any time to be taken back within the enclosure of any such jail.

Temporary commissioners

3077. The members of the board may for the purpose of considering applications for parole of prisoners from city or county jails, designate deputies of their respective offices to serve for them as temporary commissioners when they are unable to serve.

Enforcement

3078. Each county board may make, establish and enforce rules and regulations adopted under this article, and may retake and imprison any prisoner upon parole granted under the provisions of this article.

Board order is sufficient warrant

3079. The written order of each county board shall be a sufficient warrant for all officers named therein to authorize them, or any of them, to return to actual custody any conditionally released or paroled prisoner. All chiefs of police, marshals of cities, sheriffs, constables, and all other police and peace officers of this State must execute any such order in like manner as ordinary criminal process.

Leaving county constitutes escape

3080. If any paroled prisoner leaves the county in which he is imprisoned without permission from the board granting his parole, he shall be arrested as an escaped prisoner and held as such.

Paroles

3081. Each county board may parole any prisoner with his approval for a term not to exceed two years upon such conditions and under such rules and regulations as may seem fit and proper for his rehabilitation, and should the prisoner so paroled violate any of the conditions of his parole or any of the rules and regulations governing his parole, he shall, upon order of the parole commission, be returned to the jail from which he was paroled and be confined therein for the unserved portion of his sentence.

Unconditional release of aliens

3082. Each county board may make and establish written rules and regulations for the unconditional release of and may unconditionally release any prisoner who is an alien and who voluntarily consents to return or to be returned to his native land and who actually returns or is returned thereto The necessary expenses of the transportation of such alien prisoner and officers or attendants in charge of such prisoner, may be paid by the county, upon order of the board of supervisors authorizing or ratifying the return of the prisoner at the expense of the county.

Temporary commissioners Powers

3083. Whenever the board designates deputies to serve as temporary commissioners in considering applications for parole of prisoners, such temporary commissioners or deputies may also exercise all the powers granted by this article relative to the unconditional release of alien prisoners.

SEC. 3. Article 3 is added to Chapter 2 of Title 1 of Part 4 of said code, to read:

Article 3. Uniform Act for Out-of-State Parolee Supervision

Short title

11175 This article may be cited as the Uniform Act for Out-of-State Parolee Supervision.

Power to enter into compact with other states

11176 Pursuant to the authority vested in this State by that certain act of Congress, approved June 6, 1934, and entitled "An act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime, and for other purposes," the Governor is hereby authorized and directed to enter into a compact or compacts on behalf of this State with any of the United States legally joining therein

Form of compact

11177. The compact or compacts authorized by Section 11176 shall be in substantially the following form:

A compact entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "An act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes."

The contracting states solemnly agree:

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state"), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, if

(a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;

(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted

(2) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake

any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state. If at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

(5) That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(6) That this compact shall become operative immediately upon its ratification by any state as between it and any other state or states so ratifying. When ratified it shall have the full force and effect of law within such state, the form of ratification to be in accordance with the laws of the ratifying state.

(7) That this compact shall continue in force and remain binding upon each ratifying state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state Renunciation of this compact shall be by the same authority which ratified it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto.

11178. If any portion of this article is held unconstitutional, such decision shall not affect the validity of any other portions of this act. Separability clause

11179. This article and compacts made pursuant thereto shall be construed as separate and distinct from any act or acts of this State relating to the extradition of fugitives from justice Construction

SEC. 4. The following statutes are hereby repealed: Chapter 452 of the Statutes of 1909, and Chapter 171 of the Statutes of 1937. Repeals

CHAPTER 1385

An act to codify Chapter 723 of the Statutes of 1917, relating to criminal identification and investigation, by adding Part 4, comprising Chapter 1 of Title 1 of said part, to the Penal Code, and repealing Chapter 723 of the Statutes of 1917.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

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

PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS

TITLE 1. INVESTIGATION AND CONTROL OF CRIMES AND CRIMINALS

CHAPTER 1. BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION

Article 1. Administration

Bureau of Criminal Identification and Investigation

11000. There is in the Department of Justice a State Bureau of Criminal Identification and Investigation.

Board of managers

11001. There is a board of managers of the bureau, consisting of four members, the Attorney General by virtue of his office and three members appointed by the Governor. One of the appointed members shall be a chief of police of a city, one a sheriff, and one a district attorney.

Term of appointment

11002. All appointments shall be for terms of four years. If the term of any member of the board expires as chief of police, sheriff, or district attorney, he shall cease to be a member of the board. The Governor shall fill all vacancies in the board by the appointment of the same kind of an officer as was his predecessor. Vacancies shall be filled by appointment for the unexpired term.

Advisory body

11003. The board of managers shall advise the Attorney General and the chief with respect to the operation and conduct of the bureau.

No compensation

11004. The members of the board of managers shall serve without compensation. Each member shall receive his necessary traveling expenses while attending meetings of the board

Attorney General president

11005. The Attorney General shall exercise absolute control and management of the bureau. The Attorney General shall be president of the board.

Chief of bureau and employees

11006. The Attorney General shall appoint and fix the salary of a chief for the bureau and such special criminal investigators not to exceed six in number and such other employees as he deems necessary to carry out the provisions of this chapter.

11007. The Attorney General shall provide the bureau with necessary furniture, fixtures, apparatus, appurtenances, appliances, materials and equipment as he deems necessary for the collection, filing and preservation of all records required by law to be filed with the bureau or which he may be authorized or required to procure respecting the identification and investigation of criminals, the investigation of crime and detection of the perpetrators thereof and identification and information concerning stolen, lost, found, pledged or pawned property. Furniture, etc

11008. The Attorney General shall from time to time arrange for and organize schools at convenient centers in the State to train peace officers in their powers and duties and in the use of approved equipment and methods for detection, identification and apprehension of criminals. Schools to train peace officers

Article 2. Criminal Investigation

11050. In any crime of state-wide importance, the chief may, upon the request of any district attorney, sheriff or chief of police, assign to such officer so requesting, an investigator or investigators for the investigation or detection of crimes, and the apprehension or prosecution of criminals. Assignment of investigators

11051. The chief shall perform such other duties in the investigation, detection, apprehension, prosecution or suppression of crimes as may be assigned to him by the Attorney General in the performance of his duties under Article V, Section 21 of the Constitution. Chief's duties

11052. For the purpose of carrying out the provisions of this chapter, the investigators shall have all the powers conferred by law upon any peace officer of this State. Investigator's powers

11053. After the effective date of this chapter, and thereafter until the Governor finds and proclaims that an emergency no longer exists in preparing for the national defense, or whenever the United States is engaged in war, or whenever a war emergency has been declared to exist by the President of the United States, the Attorney General may appoint for the duration of the war or emergency, as the case may be, such additional special criminal investigators not to exceed nine in number as he deems necessary to carry out the provisions of this chapter. There shall not be more than 15 such investigators employed at any one time. The employment of such investigators shall terminate not later than 90 days after the conclusion of peace or the official termination of the emergency by the President or the Governor. Appointment, number of investigators

11054. No investigation of the acts or conduct of any state agency or state official shall be initiated or made through or by the bureau or any employee thereof, without the authorization of the Attorney General particularly specifying the office, department or person to be investigated and the scope and purposes of the investigation. Investigation of state agency, etc

Article 3. Criminal Identification and Statistics

Method of operation outline

11100. The Attorney General shall provide for the installation of a proper system and file in the office of the bureau, cards containing an outline of the method of operation employed by criminals in the commission of crime.

Records on felons

11101. The Attorney General shall procure from any available source, and file for record and report in the office of the bureau, all plates, photos, outline pictures, descriptions, information and measurements of all persons convicted of a felony, or imprisoned for violating any of the military, naval, or criminal laws of the United States of America, and of all well-known and habitual criminals.

Identification systems

11102. The bureau may use the following systems of identification: the Bertillon, the fingerprint system and any system of measurement that may be adopted by law in the various penal institutions of the State.

Duplicate record kept

11103. The Attorney General shall keep on file in the office of the bureau a record consisting of duplicates of all measurements, processes, operations, signaletic cards, plates, photographs, outline pictures, measurements and descriptions of all persons confined in penal institutions of the State as far as possible, in accordance with whatever system or systems may be commonly used in the State.

Descriptions filed, recorded

11104 The Attorney General shall file all plates, photographs, outline pictures, measurements, information and descriptions received and shall make a complete and systematic record and index, providing a method of convenience, consultation and comparison.

Information furnished

11105. The Attorney General shall furnish, upon application, all information pertaining to the identification of any person, a plate, photograph, outline picture, description, measurement, or any data of which person there is a record in the office of the bureau.

To whom

The information shall be furnished to all peace officers of the State, to United States officers or officers of other states, territories, or possessions of the United States, or peace officers of other countries duly authorized to receive the same, upon application in writing accompanied by a certificate signed by the officer, stating that the information applied for is necessary in the interest of the due administration of the laws, and not for the purpose of assisting a private citizen in carrying on his personal interests or in maliciously or uselessly harassing, degrading or humiliating any person.

Records to be kept

11106. In order to assist in the investigation of crime, the arrest and prosecution of criminals and the recovery of lost, stolen, or found property, the Attorney General shall keep and properly file a complete record of all copies of fingerprints, duplicate carbon copies of applications for licenses to carry concealed weapons and dealers' records of sales of deadly weapons, and reports of stolen, lost, found, pledged, or pawned property in any city or county of this State and shall furnish

copies of any of such records to the officers mentioned in Section 11105 upon proper application therefor

Reports by sheriffs, etc

11107. Each sheriff, chief of police and city marshal shall furnish to the bureau daily reports on standard forms to be prepared by the bureau listing all violations of Section 647a, subdivision 5 of Section 647, subdivision 1 or 2 of Section 311 of the Penal Code, and any offense involving lewd and lascivious conduct under Section 702 of the Welfare and Institutions Code and all felonies committed in his jurisdiction, describing the nature and character and noting all peculiar circumstances of each such crime together with any additional or supplemental data or information including all statements and conversations of persons arrested, and listing any crime theretofore reported which may be of aid in the investigation of such crime and the apprehension and conviction of the perpetrators thereof

11108. Each sheriff, chief of police or city marshal shall furnish the bureau daily reports of lost, stolen, found, pledged or pawned property received in his office

11109. Each sheriff, chief of police, city marshal, constable, prison warden, superintendent of a hospital for the insane, or of a reformatory or correctional school, and each probation or parole officer, school attendance officer, coroner, district attorney, court clerk, the Attorney General, Judicial Council, Director of the Department of Motor Vehicles, State Fire Marshal, and the State Registrar of Vital Statistics shall furnish to the bureau statistics and information regarding the number of crimes reported and discovered, arrests made, complaints, informations and indictments filed and disposition of same, pleas, convictions, acquittals, and probation granted or denied

Transfers, etc., from prisons, etc

11110. Such officer or agency shall also furnish to the bureau information concerning receipts, transfers and discharges to and from prisons, reformatories, correctional schools and other institutions, paroles granted and revoked, commutations of sentence and pardons granted and rescinded, and other data and information useful in determining the cause and amount of crime in this State, and in forming a basis for the study of crime, police methods, court procedure and penal problems

Information furnished

11111. The statistics and information provided for in this article shall be furnished whenever requested by the bureau and upon such forms as may be officially adopted by the Attorney General and furnished by the bureau.

Sheriffs, etc., furnish fingerprints

11112. Each sheriff and each chief of police and marshal of a city shall furnish the bureau daily copies of fingerprints on standardized eight- by eight-inch cards, and descriptions of: (a) all persons who have been arrested for the commission of any offense defined in Sections 266, 267, 268, 285, 286, 288, 288a, 647a, subdivision 5 of Section 647, subdivision 3 or 4 of Section 261, or subdivision 1 or 2 of Section 311 of the Penal Code, or of any offense involving lewd and lascivious conduct under Section 702 of the Welfare and Institutions Code; (b) all persons arrested who in the best judgment of any such officer are wanted for serious crimes, or are fugitives from

justice; (c) all persons in whose possession at the time of arrest are found goods or property reasonably believed by any such officers to have been stolen by them; (d) all persons in whose possession are found burglar outfits or burglar keys or who have in their possession high-power explosives reasonably believed to be used or intended to be used for unlawful purposes; (e) all persons who are in possession of infernal machines, bombs or other contrivances in whole or in part and reasonably believed by any said officer to be used or intended to be used for unlawful purposes; (f) all persons who carry concealed firearms or other deadly weapons which are reasonably believed to be carried for unlawful purposes; (g) all persons who have in their possession inks, dye, paper or other articles necessary in the making of counterfeit bank notes, or in the alteration of bank notes, checks, drafts or other instruments of credit; or dies, molds or other articles necessary in the making of counterfeit money, and reasonably believed to be used or intended to be used by them for such unlawful purposes.

Statistician

11113 The Attorney General shall appoint a qualified statistician, who shall obtain statistics and information from all officers, prisons, hospitals, reformatories, schools, bodies and institutions and from any other available sources. The statistician shall compile such statistics and information in such manner as may best aid in the study and determination of the amount of crime in this State.

Governor's annual report

11114 The bureau shall annually prepare a report for the Governor of the statistical data compiled by the statistician and distribute copies of such report to the officers mentioned in this article from whom information and data is received.

Repeal

SEC. 2 The following act, together with all amendments thereof and all acts supplementary thereto, is repealed:

Year	Chapter	Page
1917	723	1391

CHAPTER 1386

An act to amend Section 459.7 of the Vehicle Code, relating to the adoption of local rules and regulations affecting traffic on roads and ways.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 459.7 of the Vehicle Code is amended to read:

Local regulation of housing project traffic

459.7. Local Regulation of Traffic in Housing Projects. The provisions of this division shall not prevent local author-

ities, within the reasonable exercise of their police power, from adopting rules and regulations by ordinance or resolution regulating vehicular traffic on privately owned and maintained roads or ways within the boundaries of any housing project or within the site of any housing owned or operated by a housing authority created under and by virtue of the Housing Authorities Law of this State, on privately owned and maintained roads or ways within areas which would be a "Residence District" as defined in this code if the road or way were a public highway, or, with the consent of the owner, on publicly owned and maintained roads and ways within areas which are not owned by such local authorities. No such rule or regulation shall be effective until appropriate signs giving notice thereof are posted along the roads or ways affected.

CHAPTER 1387

An act to amend Sections 69540 and 69894 of the Government Code, relating to superior courts.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 69540 of the Government Code is amended to read:

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, or in the instances hereinafter provided, of four judges of such 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 judges as presiding judge of the department.

In any county in which there are more than 50 judges of municipal courts, the chairman of the Judicial Council may, whenever he finds that the speedy transaction of the business of the appellate department requires it, designate four judges of the superior court as judges of the appellate department, but in such case no more than three of the judges so designated shall participate in the hearing or decision of any matter coming before the department, and the presiding judge of the department shall designate the judges who shall so participate.

SEC. 2. Section 69894 of the Government Code is amended to read:

Secretary to judges. Salary

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 monthly salary of the secretary shall be: first step eight hundred eighty-nine dollars ($889), second step nine hundred forty dollars ($940), third step nine hundred ninety-two dollars ($992).

Employees

In such county, on authorization of the judges the secretary shall have the following employees, whose monthly salaries shall be:

	First step	Second step	Third step
(a) One chief assistant secretary	$516	$545	$575
(b) Two assistant secretaries and administrative jury commissioners	464	489	516
(c) One assistant secretary	440	464	489

The salaries of such employees 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.

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.

CHAPTER 1388

An act to amend Sections 14522, 14601, and 14602 of the Education Code, and to add Section 14525 thereto, relating to the State Teachers' Retirement System in respect to members thereof who become members of the State Employees' Retirement System or participants in the Retiring Annuities System of the University of California.

In effect September 9 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 14522 of the Education Code is amended to read:

Repayments to member

14522. Repayments pursuant to Section 14521 to a member shall be made upon request of the member, unless it appears to the Retirement Board that the employment is permanently terminated and unless the member is entitled to be credited with less than 10 years of service rendered in this State immediately prior to the termination of employment, in which case payment may be made without request.

However, such repayments shall not be made without request to any member who becomes a state member of the State Employees' Retirement System or becomes subject to the Retiring Annuities System of the University of California while he continues to be a state member of the State Employees' Retirement System or a participant in the Retiring Annuities System of the University of California, until he is retired thereunder.

SEC. 2. Section 14525 is added to said code, to read:

14525. Any person whose contributions have been repaid to him, with or without request, to whom his contributions could not have been repaid without request if all of the provisions of Section 14522, as in effect on and after the effective date of this section, had been in effect at the time of such repayment, shall have the right to re-enter this system and to redeposit the contributions repaid to him, with interest, as provided in Section 14524, without being employed in a status requisite for membership in this system. Re-entry into system

SEC. 3. Section 14601 of said code is amended to read:

14601. Any member who comes within any of the following descriptions may be retired for service at his option upon written application therefor to the Retirement Board: Optional retirement from service

(a) Who is credited with at least 30 years of service, at least 15 of which have been served in this State, including the last 10 years of service immediately preceding retirement, irrespective of his then attained age.

(b) Who is credited with at least 10 years of service, all of which have been served in this State immediately preceding retirement, and has attained the age of 55 years or more.

(c) Who is credited with less than 10 years of service, all of which has been served in this State, and has attained the age of 55 years or more, if he is retired concurrently under the State Employees' Retirement System as a state member of that system or under the Retiring Annuities System of the University of California. Application for retirement under this subdivision may be made at any time, and shall not be subject to the provisions of Section 14606.

SEC. 4. Section 14602 of said code is amended to read:

14602. (a) Any member who is credited with 10 or more years of service, the last 10 of which have been served in this State, and who by reason of bodily or mental infirmity becomes incapacitated for further service, may be retired for disability by the Retirement Board upon his application or upon the application of his employer. Disability retirement

(b) Any member who is credited with less than 10 years of service, all of which has been served in this State, and who by reason of bodily or mental infirmity becomes incapacitated for further service, may be retired for disability by the Retirement Board upon his application or upon the application of his employer, if he is retired concurrently under the State Employees' Retirement System as a state member of that system or under the Retiring Annuities System of the University of California. Application for retirement under this subdivision may be made at any time, and shall not be subject to the provisions of Section 14606.

(c) Retirement shall not be made under this section except upon determination, on the basis of competent medical opinion secured by the Retirement Board, that the disability or incapacity is of permanent duration or of extended and uncertain duration.

CHAPTER 1389

An act to amend Sections 5840 and 5841 of the Streets and Highways Code, relating to maintenance districts

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 5840 of the Streets and Highways Code is amended to read:

Annexation to maintenance district Part of territory included in another district

5840. If any portion of the territory annexed to a maintenance district comprises a portion of another 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 annexation of such territory shall not become complete unless and until any outstanding contract of the other maintenance district of which such territory is a part has expired or such contract, with the consent of the parties thereto, has been modified or canceled so as to relieve the other maintenance district of further obligation to pay for future maintenance within the portion of the territory so withdrawn, and the funds of such other district remaining on hand upon the completion of such annexation shall have been apportioned between the maintenance district to which the territory was annexed and the other maintenance district from which it was withdrawn. The division of such funds shall be prorated in the proportion that the assessed value of the real property of the territory so withdrawn bore to the total assessed value of the real property within the maintenance district prior to such withdrawal.

SEC. 2. Section 5841 of the Streets and Highways Code is amended to read:

All of another district included in territory

5841. If the territory annexed to a maintenance district includes within its boundaries all of another 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, upon such annexation becoming complete by the adoption of the order of the board of supervisors the theretofore existing maintenance district so annexed shall thereupon be dissolved Any funds of the maintenance district remaining on hand at the time of the annexation shall be transferred to the maintenance district to which such territory is annexed and any contracts or obligations of said previously existing maintenance district shall become the obligations of the maintenance district to which it is annexed.

CHAPTER 1390

An act to amend Section 6049 of the Insurance Code, relating to county mutual insurance.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6049 of the Insurance Code is amended to read:

6049. Such an insurer shall not assume any risks on property situated within any one block of a closely built-up district or of territory within the limit of any incorporated city, unless on a single risk in such block it immediately reinsures all of the amount at risk which is in excess of the limit provided in this article or unless in the case of more than one risk in any such block it immediately reinsures all of the amount at risk which is in excess of one-quarter of 1 percent of its direct amount of insurance in force; 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, in the case of more than one risk in any such block, shall immediately reinsure all of the amount at risk which is in excess of one-quarter of 1 percent of its net amount of insurance in force.

Assumption of risks restricted

CHAPTER 1391

An act to amend Section 224m of the Civil Code, relating to the adoption of children.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 224m of the Civil Code is amended to read:

224m. The father or mother may relinquish a child to a licensed adoption agency for adoption by a written statement signed before two subscribing witnesses and acknowledged before an authorized official of an organization licensed by the State Department of Social Welfare to find homes for children and place children in homes for adoption. Such relinquishment, when reciting that the person making it is entitled to the sole custody of the minor, shall, when duly acknowledged before such officer, be prima facie evidence of the right of the person making it to the sole custody of the child and such person's sole right to relinquish.

Relinquishment of child for adoption

A parent who is a minor shall have the right to relinquish his or her child for adoption to a licensed adoption agency and

Minor parent

such relinquishment shall not be subject to revocation by reason of such minority.

Parents reside outside State

In cases where a father or mother of a child resides outside the State of California and such child is being cared for and is placed for adoption by an organization licensed by the State Department of Social Welfare to place children for adoption, such father or mother may relinquish the child to that organization by a written statement signed by such father or mother before a notary on a form prescribed by the organization, and previously signed by an authorized official of the organization, which signifies the willingness of such organization to accept the relinquishment.

Filing of certified copy

The relinquishment authorized by this section shall be of no effect whatsoever until a certified copy is filed with the State Department of Social Welfare, after which it is final and binding and may be rescinded only by the mutual consent of the adoption agency and the parent or parents relinquishing the child.

CHAPTER 1392

An act to amend Section 7551 of the Business and Professions Code, relating to private investigators and adjusters.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 7551 of the Business and Professions Code is amended to read:

Suspending revoking license Grounds

7551. The director may suspend or revoke a license issued under this chapter if he determines that the licensee or his manager, if an individual, or if the licensee is a person other than an individual, that any of its officers, directors, partners, or its manager, has:

(a) Made any false statement or given any false information in connection with an application for a license or a renewal or reinstatement of a license

(b) Violated any provisions of this chapter

(c) Violated any rule of the director adopted pursuant to the authority contained in this chapter

(d) Been convicted of a felony or any crime involving moral turpitude or illegally using, carrying, or possessing a dangerous weapon.

(e) Committed any act in the course of the licensee's business constituting dishonesty or fraud; or without the consent of the person in lawful possession entered any building or portion thereof.

(f) Impersonated, or permitted or aided and abetted an employee to impersonate a law enforcement officer or employee of the United States of America, or of any state or political subdivision thereof.

(g) During the period between the expiration of a license for failure to renew within the time fixed by this chapter and the reinstatement of such license has committed, or permitted any employee to commit, any act which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license.

(h) Wilfully failed or refused to render to a client services or a report as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties.

(i) Committed assault, battery, or kidnapping.

(j) Knowingly violated, or advised, encouraged, or assisted the violation of any court order or injunction in the course of business as a licensee.

(k) Acted as a runner or capper for any attorney.

(*l*) Been convicted of a violation of Section 148 of the Penal Code.

(m) Committed any act which is a ground for denial of an application for license under this chapter.

CHAPTER 1393

An act to amend Section 465 of the Vehicle Code, relating to traffic signs or signals.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 465 of the Vehicle Code is amended to read:

465. Official Traffic Control Devices (a) The State Department of Public Works, Division of Highways, shall place and maintain, or cause to be placed and maintained, with respect to highways under its jurisdiction, appropriate signs and signals as required hereunder, and may respectively place and maintain, or cause to be placed and maintained, such appropriate signs and signals as may be authorized hereunder, or as may be necessary properly to indicate and to carry out the provisions of this code, or to direct or warn traffic upon the highways.

Highway signs and signals

(b) Local authorities in their respective jurisdictions shall place and maintain or cause to be placed and maintained such traffic signs and, subject to the provisions of Section 466, such stop signs, semaphores and control devices upon streets and highways as may be necessary to indicate and to carry out the provisions of this code or local traffic ordinances or to regulate, warn or guide traffic

(c) All signs and signals erected in accordance with the provisions of this code shall be deemed official traffic signs and signals.

(d) The provisions of this or any other section of this division shall not modify, limit or prohibit the Railroad Commission from erecting and maintaining or causing to be erected and maintained signs and signals as authorized by law and all signs and signals so erected shall likewise be deemed official traffic control devices.

(e) It shall be unlawful to fail to obey all such signs or signals erected and maintained for the purpose of regulating traffic.

CHAPTER 1394

An act to amend Section 41.5 of the Unemployment Insurance Act (Chapter 352 of the Statutes of 1935) and to amend Section 1059 of the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 41.5 of the Unemployment Insurance Act is amended to read:

Acquisition of business

Sec. 41.5. (a) 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 in such case, any assets retained by such employer incident to the liquidation of his obligations (whether or not such acquiring employing unit was an "employing unit" within the meaning of Section 8.5 of this act 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 by setting forth 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, whereupon 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 commission to such successor employer and, as of the date of such acquisition, shall become the separate account or

part of the separate account, as the case may be, of such successor employer, and the benefits thereafter chargeable to such predecessor employer on account of employment relating to such transferred organization, trade, or business or transferred portion thereof prior to the date of such acquisition shall be charged to such separate account. This section shall not apply to any acquisition which is determined by the commission to have been made solely or primarily for the purpose of obtaining a more favorable rate of contributions under Section 39.

Application of section

The provisions of this section shall also apply 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 as provided in Section 40 if such 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 and; provided further, that any amendment of the contribution rate shall be made as of the first day of the calendar quarter next succeeding the date of such application.

The provisions of this section relating to a specific application for transfer of reserve account shall not apply as 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 such 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.

Denial of application, appeal

In event of a denial of application for transfer of reserve account, any interested party shall have the right to 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 unless within 60 days after the mailing of the notice of determination of the appeals board any interested party may bring an action against the commission with respect to such determination to require the transfer of the reserve account as required by law. The commission, 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 of the date of mailing of the determination of the appeals board.

Joint accounts

(b) The commission 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.

"Joint venture"

(c) As used herein 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 is wholly owned by such employers. As

used in this subsection 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. Upon dissolution of a joint venture each participating employer may make application within 90 days for the transfer of his proportionate share of the reserve account whereupon the separate account, actual contribution and benefit experience and pay rolls of such joint venture shall be apportioned among the employers or their successor employers or any subsequent successor 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 or his successor employer or employers or any subsequent successor employers for the purpose of determining its rate of contribution after such 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 or his successor employer or employers or any subsequent successor employer or employers. Such portion of such separate account shall be transferred by the commission to each such employer or his successor employer or employers or any subsequent successor employer or employers 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 or his successor employer or employers or any subsequent successor employer or employers and 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 or their successor employers or any subsequent successor employers in proportion to their participation in the joint venture. Any such joint venture shall promptly notify the commission of its dissolution.

Dissolut on

Application of subsection

The provisions of this subsection shall apply to dissolutions occurring prior as well as subsequent to the effective date of this subsection 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 this subsection as amended in the 1953 Regular Session of the Legislature; and provided further, any transfer in respect to any such prior dissolution shall not affect any rate of contribution for any period prior to January 1, 1954.

Change in contribution rate

(d) A change in contribution rate caused by a transfer 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 such transfer.

NOTE: The section of the Unemployment Insurance Code affected by this chapter appears in its proper place in that code, Chapter 308 of 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 41.5 of the Unemployment Insurance Act as amended by this act is repealed.

Effect Stats 1953, Ch 308

CHAPTER 1395

An act to add Section 139.23 to the Vehicle Code, relating to memberships in associations dealing with related subjects.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 139.23 of the Vehicle Code is added, to read:

139.23. Memberships in Associations Dealing With Related Subjects. The department may pay membership fees, join, and participate in the affairs of associations having for their purpose the interchange of information relating to law enforcement, accident prevention, and subjects related to the powers and duties of the department.

California Highway Patrol Membership in law enforcement, etc. associations

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CHAPTER 1396

An act to amend Sections 3, 5, 6.1, 11, 12, 13, 14, 16, 17, 18 and 18.5 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617, Statutes of 1951), relating to the Contra Costa County Flood Control and Water Conservation District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

In effect immediately

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

SECTION 1. Section 3 of the Contra Costa County Flood Control and Water Conservation District Act is amended to read:

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

Zone establishment

such zones by a zone number, and institute zone projects for the specific benefit of such zones. Such zones shall, as far as practicable, include complete watersheds.

Such zones may be established in the manner prescribed in Section 11 of this act, independently of the institution of any project relating to such zone.

Alternately, such zones may be formed concurrently with and as a part of the proceeding for the installation of a project relating to such zones in the manner prescribed in Section 11 of this act.

Before final action is taken to form 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 have the concurrence of such city to the formation of such zone, such concurrence to be evidenced by a resolution or ordinance adopted by a majority of the members of the governing body 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 such zone; 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.

SEC. 2. Section 5 of said act is amended to read:

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.

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 conservation

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 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 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

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

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 any public or private corporation, or with the County of Contra Costa or adjacent counties, 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

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.

Entrance on land Acquisition of property, 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, water works, 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 the district; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or con-

trolled 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 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.

Indebtedness

10. To incur indebtedness and to issue bonds in the manner herein provided.

Taxes

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.

General powers

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

13. To exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, 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 municipal utility 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 pro-

vision 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 therefor 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.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Contra Costa County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act

Contracts with Contra Costa County, etc

14. To make contracts with the County of Contra Costa, and to employ labor for the purpose of doing flood control work and for inspecting and passing upon the adequacy of drainage plans provided for each proposed new subdivision in the County of Contra Costa.

SEC. 3. Section 6.1 of said act is amended to read:

Commission

SEC. 6.1. The board shall appoint a commission consisting of nine (9) members, six (6) of whom shall be freeholders of the unincorporated territory of the County of Contra Costa. The board may delegate any or all of its powers to the commission. The board may by resolution 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 commission shall serve at the pleasure of the board.

When the board of supervisors has delegated any or all of its powers to the commission, the terms "board" and "board of supervisors" mean the commission. The commission may, by resolution, certified to by the chairman of the commission, take action with reference to any and all matters which have been

delegated to it by the Board of Supervisors of the County of Contra Costa.

SEC. 4. Section 11 of said act is amended to read:

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 zone 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 for a period of not less than twenty (20) days. If there is a newspaper of general circulation published in the territory proposed to be formed into a zone, notice shall be given by publication once a week for two (2) consecutive weeks prior to the hearing, the last publication of which must be at least seven (7) days before said hearing. If there is no such newspaper, notice shall be given by posting notice of the hearing for a period of fourteen (14) days prior to said hearing in five (5) public places as their said territory designated by the board. Said notice shall designate a public place in any such zone where a copy of the map of the project may be seen by any interested person.

Zone projects

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.

In all matters in this section referred to, the last equalized assessment roll of the County of Contra Costa 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.

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.

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.

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.

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.

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.

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.

SEC. 5. Section 12 of said act is amended to read:

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 two cents ($0.02) on each one hundred dollars ($100) of assessed valuation, and

Taxes, assessments

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.

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. 6. Section 13 of said act is amended to read:

Bonds

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 Contra Costa County within five 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.

(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.

(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.

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.

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.

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. 7. Section 14 of said act is amended to read:

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, Same Form

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.

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. 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 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.

SEC. 8. Section 16 of said act is amended to read:

Same-Payment

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. 9. Section 17 of said act is amended to read:

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 Contra Costa 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 Contra Costa County in the manner provided by law for the payment of principal and interest on bonds of said county. Annual assessment

SEC. 10. Section 18 of said act is amended to read:

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. Incorporation of other provisions

SEC. 11. Section 18.5 of said act is amended to read:

Sec. 18.5. The total amount of taxes and assessments levied on property within any zone shall not exceed twenty cents ($0.20) on each one hundred dollars ($100) of assessed valuation, exclusive of the amounts necessary for interest and redemption of any bonds voted within such zone. Tax ceiling

SEC. 12. 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 the Contra Costa County Flood Control and Water Conservation District Act provides for only a one

cent ($0.01) tax on every one hundred dollars ($100) of assessed valuation. It has been found that the amount derived from this tax provides for only approximately one-half of the funds necessary to accomplish the essential work of the district. This act increases the tax rate funds so that the district may properly perform its functions. It is therefore urgently necessary that the bill be enacted into law and become effective before July 1, 1953, in order that the tax provided herein may be levied for the 1953-1954 Fiscal Year.

CHAPTER 1397

An act to amend Sections 9603 and 9606 of the Revenue and Taxation Code, relating to the motor vehicle transportation license tax, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 9603 of the Revenue and Taxation Code is amended to read:

"Operator"

9603. "Operator" includes:

(a) Any person engaging in the transportation of persons or property for hire or compensation by or upon a motor vehicle upon any public highway in this State, either directly or indirectly.

(b) Any person who for compensation furnishes any motor vehicle for the transportation of persons or property under a lease or rental agreement when such person operates the motor vehicle furnished or exercises any control of, or assumes any responsibility for the operation of the vehicle irrespective of whether the vehicle is driven by such person or the person to whom the vehicle is furnished, or engages either in whole or in part in, the transportation of persons or property in the motor vehicle furnished.

"Operator" does not include any of the following:

(a) Any person transporting his own property in a motor vehicle owned or operated by him unless he makes a specific charge for the transportation. This subdivision does not in any way limit any other exemption granted by this section.

(b) Any farmer, resident of this State, who occasionally transports property for other farmers, or who transports his own farm products, or who transports laborers to and from farm work incidentally in his farming operations.

(c) Any nonprofit agricultural cooperative association, organized and acting within the scope of its powers under Chapter 4 of Division 6 of the Agricultural Code, to the extent only that it is engaged in the transporting of its own property or the property of its members.

(d) Any person whose sole transportation of persons or property for hire or compensation consists of the transportation of children to or from any public school and whose total compensation from all sources for providing such transportation does not exceed fifty dollars ($50) in any calendar month.

(e) Any person engaged in the business of operating a hearse or other vehicle in a procession to a burial ground or place of interment and from the burial ground or place of interment to a garage or place of storage.

(f) Any registered owner of a pleasure vehicle who, while operating the vehicle, transports persons to his work or to a place through which he passes on the way to his work, whether for or without compensation, if he is not in the business of furnishing such transportation.

SEC. 2. Section 9606 of said code is amended to read:

"Gross receipts"

9606. "Gross receipts" include all receipts from transportation operations entirely within this State and a proportion, based upon the proportion of the mileage within this State to the entire mileage over which such operations extend, of the receipts from operations passing through, into, or out of this State, or partly within and partly without this State. "Gross receipts" as applied in connection with operations under lease or rental agreements include such amounts as the board under such rules and regulations as it may prescribe determines to be reasonable compensation for the transportation services rendered by the operator.

"Gross receipts" do not include revenue derived by an express company from the shipment of property over the lines of common carriers, but do include revenue derived by an express company from the transportation of property in motor vehicles operated by it.

Tax levy

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

CHAPTER 1398

An act to amend Section 318 of the Agricultural Code, relating to animal fats.

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 318 of the Agricultural Code is amended to read:

Use of dye, etc., adulteration

318. It is unlawful to sell any meat or products thereof, sausage casings or other casings that contain dye or artificial coloring. For the purpose of this article, any meat, products thereof, sausage casings, or other casings that contain any dye or artificial coloring shall be deemed adulterated and the direc-

tor shall render the same unfit for human consumption with a suitable denaturing agent. Nothing in this section shall be construed to prevent the use of casings containing harmless dyes on meat products that are not comminuted; provided, such transparent or semitransparent casings shall not have an amber or smoked color of such shade, degree or intensity as to give a false impression with respect to smoking or degree of smoking of the meat or product.

Notwithstanding the provisions of this section, domestic animal fats may be used in the manufacture of margarine or shortening containing harmless coloring.

CHAPTER 1399

An act to add Section 344.25 to the Agricultural Code, relating to brands.

In effect September 9, 1953

[Approved by Governor June 25, 1953. Filed with Secretary of State June 26, 1953.]

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

SECTION 1. Section 344.25 is added to the Agricultural Code, to read:

Brand prohibited

344.25. No recording of a V brand on the left shoulder shall be granted.

CHAPTER 1400

An act to amend Sections 7717 and 7802 of the Education Code, relating to school district public works.

In effect September 9, 1953

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

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

SECTION 1. Section 7802 of the Education Code is amended to read:

Allocations

7802. Allocations under this article may be made in such amount as may be necessary, and in such manner as to distribute the available funds equitably among school districts, giving consideration to the needs of each district and the number of children within each district who are blind, partially seeing, deaf, hard of hearing, mentally retarded, orthopedically handicapped or cerebral palsied.

In computing the number of such children there shall be included:

(a) The number of them residing in the district.

(b) The number of handicapped minors who are actually living within the district five or more days a week, although

their legal residence may be outside the district and who are educated pursuant to Section 9601.1.

(c) The number of them who reside outside of the district, except those described in subdivision (b), and who are educated by the district pursuant to contract, if the district of residence is impoverished as determined by the requirements of Section 7719 concerning outstanding indebtedness.

SEC. 2. Section 7717 of said code is amended to read:

No apportionment for new construction

7717. No apportionment shall be made for new construction which, when added to the area of adequate school construction existing in the applicant school district at the time of application, will provide a total area of school building construction per unit of average daily attendance of the estimated average daily attendance in excess of that computed under the following schedule:

Type of school	Average daily attendance	Square feet per unit of average daily attendance
Junior high school comprising grades 7 to 9, inclusive	750 or more	75
Junior high school comprising grades 7 to 10, inclusive	750 or more	75
High school comprising grades 7 to 12, inclusive	750 or more	80
High school comprising grades 9 to 12, inclusive	750 or more	80
High school comprising grades 10 to 12, inclusive	750 or more	80
Junior college comprising grades 13 and 14, inclusive	750 or more	80
Junior college comprising grades 11 to 14, inclusive	750 or more	80

Elementary schools in a district comprising any combination of grades from kindergarten through the eighth grade with a total estimated district average daily attendance in kindergarten and grades 1 to 6, inclusive, of 300 or more, shall be allowed 55 square feet per unit of average daily attendance in kindergarten and grades 1 to 6, inclusive, and 75 square feet per unit of average daily attendance in grades 7 and 8.

To the building area permitted to an applicant school district by this section, there may be added such additional building area as may be required to provide adequate facilities for exceptional children pursuant to Article 3 of this chapter.

The maximum total building areas per unit of average daily attendance allowed to applicants having schools with smaller estimated average daily attendance than shown in the above schedule shall be determined by the Department of Education, and shall be building areas to provide comparable facilities to those enumerated above, and shall be the least building area

required to house adequately the estimated average daily attendance and the normal instructional and other services.

No estimate of average daily attendance made by an applicant for the purpose of justifying an apportionment shall be made for a longer time than the second fiscal year beyond the fiscal year in which an application is made, and in no case shall be given effect unless approved by the Department of Education.

CHAPTER 1401

An act to amend Section 26 of the Construction and Employment Act (Chapter 20 of the Statutes of 1946, First Extraordinary Session), relating to allocation of state funds to local agencies for the construction of public works.

In effect September 9, 1953

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

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

SECTION 1. Section 26 of the act cited in the title hereof is amended to read:

Availability of appropriation

Sec. 26. Any money appropriated by this act for allocation to local agencies which is not obligated for expenditure by the State or for which application is not made on or before June 30, 1955, shall revert to the General Fund in the State Treasury; provided, however, that encumbrances made against said money during its period of availability may be paid at any time until June 30, 1956. Any money appropriated by this act for support of the Controller and for support of the director and the department shall be available for expenditure until June 30, 1956; provided, however, that encumbrances made against said money during its period of availability may be paid at any time until June 30, 1957.

CHAPTER 1402

An act to amend Section 1198.1 of the Code of Civil Procedure, relating to enforcement of liens.

In effect September 9, 1953

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

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

SECTION 1. Section 1198.1 of the Code of Civil Procedure is amended to read:

Duration of lien

1198.1. (a) No lien provided for in this chapter binds any property for a longer period than 90 days after the same has been filed except as hereinafter provided, unless within that time, proceedings to enforce the same be commenced in a proper court and a notice of pendency of such proceedings be filed as

provided in Section 409. If a credit be given and notice of the fact and terms of such credit be filed in the office of the county recorder subsequent to the filing of such lien and prior to the expiration of said 90-day period, then such lien continues in force until 90 days after the expiration of such credit, but no lien continues in force by reason of any agreement to give credit for a longer time than one year from the time the work is completed. If the proceedings to enforce the lien be not prosecuted to trial within two years after the commencement thereof, the court may in its discretion dismiss the same for want of prosecution, and in all cases the dismissal of such action (unless it be expressly stated that the same is without prejudice) or a judgment rendered therein that no lien exists shall be equivalent to the cancellation and removal from the record of such lien.

Rights against subsequent purchasers, etc

(b) As against any purchaser or encumbrancer for value and in good faith whose rights are acquired subsequent to the expiration of the 90-day period following the filing of such lien, no giving of credit or extension of the lien or time to enforce the same shall be effective unless evidenced by a notice or agreement filed for record in the office of the county recorder prior to the acquisition of the rights of such purchaser or encumbrancer.

CHAPTER 1403

An act to amend Sections 7322 and 7431 of, and to add Sections 7376.5, 7376.6, and 7432 to, the Business and Professions Code, relating to the practice of cosmetology.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 7322 of the Business and Professions Code is amended to read:

Exceptions

7322. This chapter does not prohibit any practice within its scope in cases of emergency nor does it prohibit the domestic administration of any practice without compensation, nor the administration of any practice outside of a licensed school of cosmetology or cosmetological establishment when necessary because of the illness or other physical incapacitation of the recipient of the service and when performed by a licensee obtained for the purpose from a licensed cosmetological establishment.

SEC. 2. Section 7431 of said code is amended to read:

7431. The grounds for disciplinary action are as follows:

Grounds for disciplinary action

(a) Failure of a person, firm or corporation operating a cosmetological establishment or school of cosmetology or engaged in the practice of cosmetology or any of its branches to comply with the requirements of this chapter.

(b) Failure to comply with the rules governing sanitary conditions, adopted by the board and approved by the State Depart-

ment of Public Health, for the regulation of cosmetological establishments, schools of cosmetology or the practice of the occupations of a hairdresser and cosmetician or cosmetologist.

(c) Obtaining practice in cosmetology, or any branch thereof, or money, or any other thing of value, by fraudulent misrepresentation.

(d) Gross malpractice.

(e) Continued practice by a person knowingly having an infectious or contagious disease.

(f) Habitual drunkenness, or habitual addiction to the use of morphine or any habit-forming drug.

(g) Advertisement by means of knowingly false or deceptive statements.

(h) Permitting a certificate of registration or license to be used where the holder is not personally, actively and continuously engaged in business.

(i) Failure to display the license.

(j) Conviction of a felony or of any crime involving moral turpitude.

(k) Engaging, outside of a licensed school of cosmetology or cosmetological establishment and for compensation in any form whatever, in any practice for which a license is required under this chapter, except that when such service is necessary because of the illness or other physical incapacity of the person with respect to whom it is performed, it may be performed by a licensee obtained for the purpose from a licensed cosmetological establishment.

(*l*) For any other unfair or unjust practice, method or dealing which in the judgment of the board may justify such action.

SEC. 3. Section 7376.5 is added to said code, to read:

Failure to appear for examination

7376.5. Any applicant who without good cause fails to appear for examination within one year after being notified by the board of his eligibility therefor may be removed from the list of eligible applicants for examination and in such event shall forfeit his examination fee, and may again become eligible only upon filing a new application and paying a new 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. 4. Section 7376.6 is added to said code, to read:

Applicability of future laws

7376.6. No law which may hereafter be enacted increasing the number of hours of training in a school of cosmetology which are required for eligibility for any examination shall apply to a person who on the effective date of such law is a student in, or has completed the prescribed course of study in, such a school,

or who, having failed his first examination, is eligible for a second examination under Section 7439 of this code. This section shall not apply to a person who does not apply for and take the first examination for which he is eligible occurring after the effective date of such law, unless compliance with this requirement is waived by the board for good cause.

SEC. 5. Section 7432 is added to said code, to read:

Suspension, reinstatement of licensee Mental illness

7432. The board shall suspend the license of any person licensed under this chapter who 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 1404

An act to amend Section 1300 of the Water Code, relating to applications to appropriate water.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1300 of the Water Code is amended to read:

Notice of application

1300. As soon as practicable after the receipt of an application for a permit to appropriate water the department shall issue and deliver a notice of the application (a) to the applicant (b) to the district attorney of each county wherein the applicant proposes to divert water under the application, and (c) to the board of supervisors of each county wherein the applicant proposes to divert water under the application.

CHAPTER 1405

An act to amend Sections 6904 and 6905 of the Government Code, relating to the operation of vending stands in public buildings by blind persons, and to the powers and duties of the Bureau of Vocational Rehabilitation in connection therewith, making an appropriation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

In effect immediately

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

SECTION 1. Section 6904 of the Government Code is amended to read:

Bureau of Vocational Rehabilitation Duties

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, including the collection of a service charge based on gross sales, not to exceed 4 percent thereof, from each vending stand operator, such service charges to be placed in the Special Deposit Fund to be used for maintenance, repairs, and replacement of equipment, for loans to operators for initial stock, and for such other expenditures as are found necessary to carry out the purposes of this chapter; provided, that no portion of such service charges shall be used for administrative salaries or for the construction of new vending stands.

(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.

SEC. 2. Section 6905 of said code is amended to read:

Preference given blind persons

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 20/200 visual acuity in the better eye with correcting lenses, or having a visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees. Such blindness shall be certified by a licensed physician and surgeon who specializes in diseases of the eye.

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:

It is the opinion of the Attorney General that collection of service charges from vending stand operators is illegal. This act authorizes the collection of such charges. Under the Attorney General's ruling, no funds can be collected until this act becomes effective. The present funds available are being exhausted. For this reason it is necessary that this act take effect immediately.

CHAPTER 1406

An act to amend Section 4951 of the Education Code, relating to superintendents in unified school districts.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 4951 of the Education Code is amended to read:

4951. (a) The members of the governing board of each unified school district shall elect a superintendent of schools, for a term of four years, who shall be executive officer and secretary of said governing board. Where the entire area of a county is included within one unified school district or where the entire area of a county is included within one unified school district except for such portions of the county as are included in a school district which is under the jurisdiction of the county superintendent of schools of another county, the county superintendent of schools may be employed as the superintendent of schools of the unified school district; provided, he is the holder of a certification document authorizing him to perform such services. If a county superintendent of schools is employed as the superintendent of schools of a unified school district, he may be paid such salary, in addition to that provided by law for his office of county superintendent of schools, as he and the governing board of the unified school district may agree upon.

Superintendent of schools: Unified school district

(b) Any county superintendent of schools who is employed as a district superintendent of a unified school district on the effective date of this section, may continue to perform such services without possessing the certification document otherwise required as long as he remains continuously employed or reemployed in his position.

CHAPTER 1407

An act to amend Section 6218 of the Public Resources Code, relating to fees of the State Lands Commission.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6218 of the Public Resources Code is amended to read:

6218. The commission may charge and collect reasonable fees for services performed by it, not exceeding the actual cost to the State of such services. In any case where the commission,

Charging fees

either pursuant to law or rule of the commission, requires the publication of advertisements for bids or the publication of any notice in connection with the sale or leasing of state lands, the commission may, by rule, require that the cost of such publication be advanced by any applicant or bidder and be paid by the successful applicant or bidder. All money received by the commission pursuant to this section shall be remitted monthly to the State Treasurer and credited by the State Controller to the current appropriation for support of the commission in augmentation thereof.

CHAPTER 1408

An act to amend Section 315 of the Streets and Highways Code, relating to the State Highway System.

In effect September 9, 1953

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

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

SECTION 1. Section 315 of the Streets and Highways Code is amended to read:

Route 15

315. Route 15 is from Route 56 near Fort Bragg to Route 37 near Emigrant Gap via Willits, Calpella, Williams and Colusa.

The bridge across the Sacramento River in the vicinity of the Town of Meridian, Sutter County and connecting the Counties of Sutter and Colusa, or such portions thereof as is used for highway purposes to the extent provided in this section, is a part of Route 15 and is under the supervision and control of the department for maintenance purposes. The State assumes only that obligation of maintenance of this bridge, or highway portion thereof, imposed upon or assumed by the Counties of Sutter and Colusa under any contract or agreement existing on August 21, 1933, with any railroad company for the joint use or maintenance thereof. At any time in its discretion the department may relinquish any interest of the State in this bridge to the Counties of Sutter and Colusa, and thereupon the supervision and control of this bridge shall revert to and be vested in those counties.

Provided, however, that Section 600 of this code shall be applicable to those portions of said route added to the State Highway System by this section in 1953, the same as if said portions had been added by the Collier-Burns Highway Act of 1947, and the Department of Public Works shall not be required to maintain any such portion, or portions, of said route until the same has been laid out and constructed as a state highway

CHAPTER 1409

An act to repeal Chapter 1109 of the Statutes of 1939, relating to transportation districts.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 1109, of the Statutes of 1939, 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.

Limitation

CHAPTER 1410

An act to amend Section 13002 of the Education Code, relating to the election of persons in positions requiring certification qualifications.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 13002 of the Education Code is amended to read:

13002. Persons in positions requiring certification qualifications may be elected for the next ensuing school year on and after the first day of May, and each person so elected shall be deemed re-elected from year to year except as provided in this chapter.

At any time after the thirty-first day of December, any person not then employed in the school district may be elected for the next ensuing school year to a position requiring certification qualifications.

CHAPTER 1411

An act to amend Section 16791 of the Education Code, relating to county supervisor of attendance.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 16791 of the Education Code is amended to read:

County supervisor of attendance Appointment

16791. Upon petition of a majority of the governing boards of school districts of any county, the county superintendent of schools may appoint a supervisor of attendance to act in the portions of the county which are not under the jurisdiction of any city supervisor of attendance, and shall prescribe the duties of the supervisor of attendance not inconsistent with law.

CHAPTER 1412

An act to amend Section 74043 of the Government Code, relating to the compensation of attaches of municipal courts in judicial districts in Santa Clara County.

In effect September 9, 1953

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

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

SECTION 1. Section 74043 of the Government Code is amended to read:

Santa Clara County municipal court attaches Salaries

74043. The clerk may appoint:

(a) One deputy clerk who shall be principal clerk and who shall receive a minimum salary of three hundred twenty-two dollars ($322) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), and nineteen dollars ($19) to a maximum of three hundred ninety-two dollars ($392) monthly.

(b) Two deputy clerks who shall be court clerks, each of whom shall receive a minimum salary of three hundred seven dollars ($307) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), and eighteen dollars ($18) to a maximum of three hundred seventy-three dollars ($373) monthly.

(c) Five deputy clerks who shall be typist clerks, each of whom shall receive a minimum salary of two hundred twenty-nine dollars ($229) monthly with annual increments of eleven dollars ($11), twelve dollars ($12), thirteen dollars ($13), and thirteen dollars ($13) to a maximum of two hundred seventy-eight dollars ($278) monthly.

CHAPTER 1413

An act to add Article 5d to Chapter 6 of Division 4 of the Military and Veterans Code, relating to the investment of surplus funds in the Veterans' Farm and Home Building Fund of 1943, creating the Veterans Affairs Construction Fund and making an appropriation, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

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

SECTION 1. Article 5d is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

Article 5d. Veterans Affairs Construction Fund

996.13. This article may be cited as the Veterans Affairs Construction Fund Act of 1953. Short title

996.14. With the approval of the Department of Finance and the California Veterans Board the Public Works Board, pursuant to the provisions of the Property Acquisition Act, may acquire real property, and, after approval of preliminary plans under the procedure provided by Section 6 of the Budget Act of 1953, the department may construct and equip a building thereon, primarily for the department's own use and make improvements to such property, building, and equipment, not to exceed in total two million five hundred thousand dollars ($2,500,000). Acquiring property, constructing, etc., building

996.15. When there are any surplus moneys available in the Veterans' Farm and Home Building Fund of 1943, not required to meet any immediate demand which has accrued against the fund, the Controller, upon request of the California Veterans Board, shall transfer, for investment in real property and improvements thereon, such portion of such surplus money to the Veterans Affairs Construction Fund, which fund is hereby created within the State Treasury. All rentals collected under the provisions of this article shall be deposited in the Veterans Affairs Construction Fund. Transfer of surplus

996.16. All moneys in the Veterans Affairs Construction Fund are hereby appropriated without regard to fiscal years to carry out the provisions of this article, including the costs of operation, maintenance, repairs, and other reasonable and necessary expenses of said building or improvements. Continuing appropriation

996.17. The Department of Veterans Affairs shall have a prior claim on any office space constructed pursuant to this article at the time of initial occupancy of the office space and at all times thereafter; provided, the department shall pay rentals as prescribed in Section 996.19 for the space it occupies. Office space

996.18. The Department of Veterans Affairs shall contract with the Department of Finance for the maintenance and repair of all public works constructed, acquired, or operated under the provisions of this act, such maintenance and repair to include the items of maintenance and repair customarily supplied and afforded to state buildings by the Department of Finance. Maintenance of public works

996.19. The building or improvements provided under the provisions of this article may contain space in excess of the requirements of the Department of Veterans Affairs, and, until needed, may be leased or let at such rental and upon such terms and conditions as may be approved by the Department of Veterans Affairs; provided, that rentals charged shall be sufficient to provide a return of any moneys expended for the acquisition of real property and the cost of the construction of such building or improvements until the entire amount so expended, together with such rate of interest thereon as prescribed by the Director of Veterans Affairs, with approval of Lease of excess space

the California Veterans Board, has been returned to the Veterans Affairs Construction Fund.

Return of funds

996.20. At least annually and oftener if the amount collected should warrant, there shall be returned from the Veterans Affairs Construction Fund to the Veterans' Farm and Home Building Fund of 1943 such amounts as are not necessary to meet financial requirements of the Veterans Affairs Construction Fund; the returnable amounts to be determined by the Department of Veterans Affairs.

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 State Government is necessary to the immediate preservation of the public peace, health and safety. The State Government cannot function properly unless adequate quarters are provided for government agencies, in which they can perform the duties required of them by law. Since the Department of Veterans Affairs will be without quarters or facilities to carry on its work unless the provisions of this act are enacted at the earliest possible date, it is necessary to the immediate preservation of the public peace, health and safety that this act go into immediate effect.

CHAPTER 1414

An act to add Section 207.6 to the Agricultural Code, relating to payment by the State for diseased animals destroyed.

In effect September 9, 1953

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

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

SECTION 1. Section 207.6 is added to the Agricultural Code, to read:

Reimbursement for animals destroyed

207.6. Notwithstanding the provisions of Section 207, a full appraised value may be paid by the director as a reimbursement for animals destroyed on account of a disease which if not forthwith eradicated would prove a serious threat to the animal or poultry industry of the State, after quarantine as provided in Section 205 has been established and after an animal disease emergency has been proclaimed by the Governor. The reimbursement amount shall be determined by an appraisal board of three members qualified in determining animal or poultry values who shall determine the value of the animals prior to their destruction. Two members of such board shall be appointed by the director and one by the Dean of the College of Agriculture of the University of California.

Expiration date

The provisions of this section shall be effective until the ninety-first day after final adjournment of the 1957 Regular Session of the State Legislature.

CHAPTER 1415

An act to add Section 13236 to the Education Code, relating to certificated employees of school districts.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 13236 is added to the Education Code, to read:

13236. The governing board of every school district shall allow each teacher employed for full time in any regular day school in which two or more teachers are employed, one duty-free lunch period each day in the manner and at the time prescribed by regulation of the State Board of Education.

Teachers' lunch periods

The State Board of Education shall adopt rules and regulations fixing the duration of the duty-free lunch period of certificated employees of school districts, the time of day when the lunch period shall be granted, and prescribing the conditions under which the duty-free lunch period shall be allowed.

CHAPTER 1416

An act to amend Section 73431 of the Government Code, relating to the municipal court in a district embracing the City of Bakersfield.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 73431 of the Government Code is amended to read:

73431. There shall be three judges, each of whom shall receive twelve thousand dollars ($12,000) annually.

City of Bakersfield Judges' salaries

CHAPTER 1417

An act to amend Section 28112 of the Government Code and Section 412 of the Education Code, relating to compensation for public service in counties of the twelfth class.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 28112 of the Government Code is amended to read:

Orange County Salaries

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:

Auditor

(a) The auditor, nine thousand six hundred dollars ($9,600) a year.

District attorney

(b) The district attorney, ten thousand eight hundred dollars ($10,800) a year for his full-time services. He shall not engage in the private practice of law.

Supervisors

(c) Each supervisor, six thousand six hundred dollars ($6,600) a year and the necessary and actual expenses incurred in the performance of the duties of his office.

Jurors

(d) Grand jurors and trial jurors in superior courts and municipal 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, five dollars ($5) a day. In justice courts in civil cases, jurors shall receive for each day's attendance, three dollars ($3). In justice courts and in criminal cases jurors shall receive for each day's attendance, three dollars ($3). Grand jurors and trial jurors in superior courts and municipal courts shall receive twenty cents ($0.20) 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; all other jurors shall receive ten cents ($0.10) per mile. The fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid.

Incumbents

The compensation provided by this section shall be payable to incumbent officers.

SEC. 2. Section 412 of the Education Code is amended to read:

Same: County superintendent of schools

412. The annual salary of the county superintendent of schools of a county of the twelfth class is ten thousand two hundred dollars ($10,200), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 1418

An act to amend Section 27 of an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties to develop a postwar public works program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights of way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, relating

to public works programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

In effect immediately

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

SECTION 1. Section 27 of the act cited in the title hereof is amended to read:

Sec. 27. Any money appropriated by this act for allocation to local agencies which is not expended by the State or for which application is not made on or before June 30, 1955, shall revert to the General Fund in the State Treasury. No claims for payment in connection with such applications shall be allowed unless the same are presented to the Director of Finance on or before June 30, 1956, except in cases of condemnation proceedings to acquire real property instituted prior to and pending on the latter date.

Unexpended money reverts to General Fund

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:

Urgency

In order that needed public works may be constructed, including public works necessary for sewerage, storm drain and water facilities, it is necessary that land be acquired and plans prepared. Rising costs of construction materials, lack of professional assistance and the accumulation of local matching funds have caused many cities, counties and districts to defer the preparation of plans, thus delaying their requests for state matching funds. Plans can now be prepared which will result in requests from local political subdivisions for the funds made available on a matching basis by this act.

It is essential that the preparation of plans and the acquisition of sites for the public works program contemplated by the act cited in the title hereof proceed without delay and therefore it is necessary that this act go into effect immediately.

CHAPTER 1419

An act to amend Section 5258 of the Financial Code, relating to building and loan associations.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 27, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 5258 of the Financial Code is amended to read:

5258. Every order, decision, approval, certificate, license, permit, or the denial of any approval, certificate, license or per-

Judicial review

mit, or other official act of the commissioner provided for in Articles 1, 2, and 4 of Chapter 3, Chapter 5, Sections 6450 to 6455, inclusive, and Article 1, Chapter 18, of this division is subject to judicial review in accordance with law. Except for review of proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, an action or proceeding for judicial review pursuant to this section must be commenced within 60 days after the issuance of such order, decision, approval, certificate, license or permit, or within 60 days after such denial, or other official act, or within 60 days after the effective date of this section, whichever is the later date.

CHAPTER 1420

An act to amend Section 69683 of the Government Code, relating to judges of the Superior Court in the County of Santa Clara.

In effect September 9, 1953

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Section 69683 of the Government Code is amended to read:

Santa Clara County. Judge's salary

69683. The annual salary of each judge of the Superior Court of the County of Santa Clara is fifteen thousand five hundred sixty dollars ($15,560).

CHAPTER 1421

An act to amend Section 69689 of, and to add Section 69891.5 to, the Government Code, relating to compensation of judges and court attaches.

In effect September 9, 1953

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Section 69689 of the Government Code is amended to read:

Sonoma County. Judge's salary

69689. The annual salary of each judge of the Superior Court of the County of Sonoma is fifteen thousand dollars ($15,000).

SEC. 2. Section 69891.5 is added to said code, to read:

County population between 103,000 and 104,000 Salary of judge's stenographer

69891.5. In each county with a population of less than 104,000 and more than 103,000, as determined by the 1950 census, the monthly salaries of the stenographer or secretary to the judge of the superior court shall be three hundred twenty-five dollars ($325).

CHAPTER 1422

An act authorizing the sale or exchange of state property and providing for the disposition of the proceeds from said sale or exchange.

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. The Director of Finance is hereby authorized to sell, exchange or otherwise dispose of, upon such terms and conditions and with such reservations and exceptions, as in his opinion may be for the best interests of the State, the following real property:

Disposal of real property

Parcel 1: To the County of Santa Clara for road purposes, the interest of the State in and to that certain roadway known as Malavos Lane, leading from the San Jose-Alviso Highway to the annex property of Agnews State Hospital in Santa Clara County, notwithstanding Section 6503, Welfare and Institutions Code, and with the consent of the Director of Mental Hygiene.

Santa Clara County

Parcel 2. To the County of Tulare for road purposes, the interest of the State in a strip of land not exceeding 110 feet in width over and across property of the Porterville State Home lying in Sections 5 and 6, Township 22 South, Range 28 East, M. D. M., in the County of Tulare, notwithstanding Section 6503, Welfare and Institutions Code, and with the consent of the Director of Mental Hygiene.

Tulare County

SEC. 2. A copy of each deed of conveyance executed and delivered by the Director of Finance shall be delivered to the State Lands Commission. Any moneys received from the sale or exchange of such property shall be paid into the General Fund in the State Treasury.

CHAPTER 1423

An act to amend Section 28110 of the Government Code, relating to the compensation for public service in counties of the tenth class.

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 28110 of the Government 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 six thousand dollars ($6,000) a year,

San Mateo County: Supervisor's compensation

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.

Jurors

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 allowed but once during each session the juror is required to attend.

Incumbents

The compensation provided by this section shall be paid to incumbent officers.

CHAPTER 1424

An act making an appropriation for support of the Grand National Junior Livestock Exposition, No. 1-A District Agricultural Association.

In effect September 9, 1953

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

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

Appropriation Grand National Junior Livestock Exposition

SECTION 1. The sum of sixty-five thousand dollars ($65,000) is hereby appropriated annually from any moneys in the Fairs and Expositions Fund available for permanent improvements on the property of the State, citrus fruit fairs, counties or district agricultural associations for fair purposes, allotted by Section 19626 of the Business and Professions Code, for support of the Grand National Junior Livestock Exposition, No. 1-A District Agricultural Association.

CHAPTER 1425

An act to amend Section 717.5 of the Fish and Game Code, relating to fish.

In effect September 9, 1953

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Section 717.5 of the Fish and Game Code is amended to read:

Possession of yellowtail and white sea bass prohibited

717.5. It is unlawful between May 1st and August 31st for any person to have in possession on any boat, barge or vessel, more than 500 pounds of yellowtail, or 1,000 pounds of white sea bass, per person. Between May 1st and August 31st, not more than 2,500 pounds of yellowtail nor more than 5,000 pounds of white sea bass may be possessed on any boat, barge or

vessel at any one time. The provisions of this section shall not apply to yellowtail or white sea bass taken in waters lying south of the international boundary line between the United States and Mexico extended westerly into the Pacific Ocean.

CHAPTER 1426

An act to add Chapter 8, comprising Sections 1980.1 to 1980.7, to Title 2, Part 4 of the Code of Civil Procedure, relating to blood tests to determine paternity.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 8, comprising Sections 1980.1 to 1980.7, is added to Title 2, Part 4 of the Code of Civil Procedure, to read:

CHAPTER 8. UNIFORM ACT ON BLOOD TESTS TO DETERMINE PATERNITY

Short title

1980.1. This chapter may be cited as the Uniform Act on Blood Tests to Determine Paternity.

Interpretation, construction

1980.2. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Blood tests required

1980.3. In a civil action, in which paternity is a relevant fact, the court, upon its own initiative or upon suggestion made by or on behalf of any person whose blood is involved may, or upon motion of any party to the action made at a time so as not to delay the proceedings unduly, shall order the mother, child and alleged father to submit to blood tests. If any party refuses to submit to such tests, the court may resolve the question of paternity against such party or enforce its order if the rights of others and the interests of justice so require.

Experts appointed by the court

1980.4. The tests shall be made by experts qualified as examiners of blood types who shall be appointed by the court. The experts shall be called by the court as witnesses to testify to their findings and shall be subject to cross-examination by the parties. Any party or person at whose suggestion the tests have been ordered may demand that other experts, qualified as examiners of blood types, perform independent tests under order of court, the results of which may be offered in evidence. The number and qualifications of such experts shall be determined by the court.

Compensation of expert witnesses

1980.5. The compensation of each expert witness appointed by the court shall be fixed at a reasonable amount. It shall be paid as the court shall order. The court may order that it be paid by the parties in such proportions and at such times as it shall prescribe, or that the proportion of any party be paid by the county, and that, after payment by the parties or the

county or both, all or part or none of it be taxed as costs in the action. The fee of an expert witness called by a party but not appointed by the court shall be paid by the party calling him but shall not be taxed as costs in the action.

Determination binding

1980.6. If the court finds that the conclusions of all the experts, as disclosed by the evidence based upon the tests, are that the alleged father is not the father of the child, the question of paternity shall be resolved accordingly. If the experts disagree in their findings or conclusions, the question shall be submitted upon all the evidence.

Application to criminal cases limited

1980.7. This chapter shall apply to criminal cases subject to the following limitations and provisions: (a) An order for the tests shall be made only upon application of a party or on the court's initiative; (b) the compensation of the experts shall be paid by the county under order of court; (c) the court may direct a verdict of acquittal upon the conclusions of all the experts under the provisions of Section 1980.6, otherwise the case shall be submitted for determination upon all the evidence.

Saving clause

SEC. 2. If any part of this act is declared invalid the remaining portion shall continue in full force and effect and shall be construed as being the entire act.

CHAPTER 1427

An act to amend Sections 19601, 19601.5, 19601.6, and 19601.7 of, amend Sections 19605 and 19607.4 of, add Section 19607.6 to, and amend Sections 19610 and 19613.5 of, the Education Code, relating to child care centers, making an appropriation, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 29, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Section 19601 of the Education Code is amended to read:

Declaration

19601. The policy of the Legislature in enacting this chapter is to continue to provide until June 30, 1955, a means for meeting an emergency, existing in certain communities in the State, created by the employment of women with children, due to the increased drafting of men in the armed forces, and the extended operations increase industries, as a result of the troubled and unsettled world conditions, without imposing additional taxes on property which the owners of such property cannot, because of the burden now imposed, be reasonably expected to bear.

SEC. 2. Section 19601.5 of said code is amended to read:

Child care center service Need of parent and child

19601.5. The need of a parent and child for child care center service shall be determined upon the following conditions:

(a) That there is but one parent in the home who both supports and cares for the child, or

(b) That there are two parents in the home, both of whom are working, or one of whom is physically or mentally unable to either support the family or care for the child, or

(c) That either parent is a veteran attending school or receiving instruction under the Servicemen's Readjusment Act of 1944 or Veterans Readjustment Assistance Act of 1952 or under Article 2, Chapter 6, Division 4 of the Military and Veterans Code, and the other parent, if any, is gainfully employed, or

(d) That the services of the parent having care of the child are necessary as a qualified and acceptable teacher in a public school or as a qualified and acceptable worker to serve in the care and guidance of children in a child care center or a supervisor of a child care program, as shall be evidenced by a statement from the employing authority of the public school to the governing body of the child care center, or

(e) That the services of the parent having care of the child are necessary as a registered nurse, as shall be evidenced by a statement from the responsible employer to the governing body of the child care center, or

(f) That the services of the parent having care of the child are necessary as a worker in industry essential to the mobilization effort, as shall be evidenced by a statement from the employer in such industry as shall have been designated as essential to the mobilization effort by the Director of Employment, or

(g) That the services of the parent having care of the child are necessary to meet an emergency arising from the necessity of harvesting or processing crops, or as an agricultural worker where the employer shall have established facilities for use by the child care center.

The need for child care of a parent and child who come within (a) and (b) of this section shall take precedence over the need for child care of a parent, or parents, and child who come within (c) to (g), inclusive, of this section.

SEC. 3. Section 19601.6 of said code is amended to read:

Admission dependent upon parents' income

19601.6. Except as provided in Section 19601.7, no child shall be admitted to a child care center if the total monthly income from all sources of the child's immediate family:

(a) Where both parents are working, exceeds three hundred thirty dollars ($330) if there is one child in the family, three hundred eighty-five dollars ($385) if there are two children, four hundred forty dollars ($440) if there are three children, and an additional fifty-five dollars ($55) for each child in excess of three.

(b) Where but one parent, who has both custody and care of the child, is the sole wage earner of the child's immediate family, exceeds two hundred seventy-five dollars ($275) if there is one child in the family, three hundred thirty dollars ($330) if there are two children, three hundred eighty-five dollars ($385) if there are three children, four hundred forty dollars ($440) if there are four children, and an additional fifty-five dollars ($55) for each child in excess of four.

"Total monthly income"

Except as provided in Section 19601.7 the maximum "total monthly income" figure in either case may be exceeded in any month or months of the year if in the opinion of the board the total income from all sources, of the child's immediate family for the calendar year divided by 12 will not exceed such maximum. In estimating earnings of any member of the child's immediate family the computation of weekly wages shall be on the basis of wages based on a five-day week if the employer of such person certifies to said governing board that the work week of such person is five days or more.

SEC. 4. Section 19601.7 of said code is amended to read:

Either parent a veteran

19601.7. If either parent is a veteran coming within (c) of Section 19601.5 and is attending school or receiving instruction for not less than half-time, or if the parent or if either parent comes within (a), (d), (e), (f), or (g) of Section 19601.5, and if the income from all sources of the child's immediate family exceeds that fixed by Section 19601.6, a child of such parent may be admitted to a child care center but the governing board of the school district maintaining the child care center shall, notwithstanding anything in Section 19607 to the contrary, charge and collect from the person having custody of the child a weekly fee which shall be in such amount as will reimburse the district for the cost of supervision, care, and the cost of all food furnished such child.

As applied to the families of men on active duty with the United States armed forces, only that portion of the pay and allowances of such men shall be included in the "total monthly income" which is the amount legally required to be made available for the support of the family by rule or regulation.

SEC. 6. Section 19605 of said code is amended to read:

Standards to be established

19605. The Superintendent of Public Instruction shall establish reasonable and uniform standards not in conflict with the provisions of this chapter for child care centers established and maintained under the provisions of this chapter and no child care center shall be so established and maintained which does not comply with such standards.

The Superintendent of Public Instruction may establish such regulations as he deems advisable concerning conditions of service and hours of enrollment for children in child care centers.

SEC. 7. Section 19607.4 of said code is amended to read:

Average state support

19607.4. The state-wide average state support per hour shall be twenty-six cents ($0.26) for children less than five years nine months of age and nineteen cents ($0.19) for other children. The Superintendent of Public Instruction shall apportion state funds to the districts using said state-wide average state support as a maximum, except that if the fees collected by any district shall for any month be more or less than one-half of the state-wide average state support per hour for children less than five years nine months of age, the average state-wide state support amount shall be increased or decreased in an amount equal to the amount the fees deviate from one-half of the average state-

wide state support; provided, in no event shall the state amount exceed thirty-one cents ($0.31) for children less than five years nine months of age or twenty-three cents ($0.23) for other children.

SEC. 8. Section 19607.6 is added to said code, to read:

Exceptions from computations

19607.6. Hours of attendance of children and fees collected from parents pursuant to Section 19601.7 of this chapter shall not be used in making the computations required by Section 19607.4.

SEC. 9. Section 19610 of said code is amended to read:

Employees

19610. The said governing board shall employ in or for a child care center only such persons who hold permits issued by the Superintendent of Public Instruction. Each person employed by the governing board of a school district for a position requiring a permit shall, not later than 60 days after the date fixed by the governing board of the district for the commencement of his service, file with the county superintendent of schools a valid permit issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 60 days after the renewal thereof, file the renewed permit in the same manner.

SEC. 10. Section 19613.5 of said code is amended to read:

Reversion of unencumbered balance

19613.5. The unencumbered balance of any appropriation for child care centers shall revert to the General Fund June 30th of the year for which appropriated.

Appropriation

SEC. 11. The sum of five million four hundred eighteen thousand dollars ($5,418,000) is hereby appropriated out of the General Fund in the State Treasury to the Department of Education to be used for support of child care centers until June 30, 1954, and for the cost of the department in administering this act.

Apportionments

The department shall make apportionments to such school districts and state institutions from the money appropriated for child care centers on or before July 1 of the year for which appropriated and on or before January 1 and April 1. The amount of any apportionment shall be based on estimates made by the department of the total number of hours of attendance of children in the centers for the period commencing on the date such apportionment is made until the date for the next apportionment, or in the case of the apportionment for April 1, until June 30. The amount of each apportionment for each school district or state institution maintaining child care centers shall be not more than the estimated amount of state aid per hour based on the computation provided for in Section 19607.4 of the Education Code, and in accordance with the estimated fees to be collected in accordance with the fee schedule as provided in Section 19607.2. If the amount of the apportionments made to a school district or state institution exceeds the amount that would have been apportioned had such apportionment been based on actual rather than estimated attendance the school district or state institution shall repay to the department the amount of such excess from any available funds of the district

or institution and such amount is a charge against such funds. Such repayment shall be made on or before the next July 10 and the department may use such repayments to make payments to a school district and state institution in an amount not to exceed the amount by which the apportionments to such district or institution was less than the amount which would have been apportioned to such district or institution had such apportionment been based on actual rather than estimated attendance. Such payments shall be made on or before the next July 30.

Urgency

SEC. 12. 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 effect July 1, 1953. A statement of the facts constituting such necessity is as follows:

To prevent the closing of established child care centers and the consequent disruption of the economic life of the State by the withdrawal from industry, essential during this troubled and unsettled time, of parents and others responsible for the care of minor children, it is necessary that public funds be made available for financial assistance to child care centers where a demonstrated need for such centers can be shown and for proper supervision of child care centers so that parents who are engaged or hereafter engage in work may have assurance of proper care for their minor children during the hours of their employment or for the proper care of children whose parents may be incapacitated by illness or other disability. It is, therefore, necessary that this act take effect July 1, 1953.

CHAPTER 1428

An act to amend Education Code Section 2502, relating to changing the boundaries of school districts.

In effect September 9, 1953

[Approved by Governor June 26, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Section 2502 of the Education Code is amended to read:

Changing school district boundaries

2502. The boundaries of a school district may be changed only when at least 25 percent of the registered electors, residing in the territory to be transferred from one district to another district by the proposed change of boundaries, present to the superintendent of schools a petition setting forth the changes of boundaries desired, and the reasons for the changes, except that territory in which no registered electors reside may be transferred from one school district to another upon the petition of 10 electors residing in the districts which would be affected by the proposed change of boundaries.

CHAPTER 1429

An act to amend Section 762.95 of the Agricultural Code, relating to inspection of canning tomatoes.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 762.95 of the Agricultural Code is amended to read:

762.95. There is hereby appropriated out of any money in the Department of Agriculture Fund to the Department of Agriculture the sum of ninety thousand dollars ($90,000) to be expended for the purchase of 150 color-meters (bridge-spectrophotometers) to be used to carry out the provisions of this chapter relating to the inspection of canning tomatoes.

Appropriation Department of Agriculture Color-meters

The money hereby appropriated shall be repaid to the Department of Agriculture Fund in nine or fewer annual installments as follows: On March 1 of the year 1952 and each year thereafter until the repayment is completed the department shall cause to be transferred to the Department of Agriculture Fund a sum equal to 5 percent of the fees received by it pursuant to Section 762.9 for the next preceding calendar year or the sum of ten thousand dollars ($10,000) whichever is the greater.

Repayment

CHAPTER 1430

An act to add Section 139.30 to the Vehicle Code, relating to the procurement of marksmanship badges for members of the Highway Patrol.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 139.30 of the Vehicle Code is added, to read:

139.30. Marksmanship Badges. The commissioner may procure and issue appropriate badges to patrol members for excellence in marksmanship.

Marksmanship badges

CHAPTER 1431

An act to repeal Chapter 6 of, and to add Chapter 6 to, Part 1 of Division 5 of the Health and Safety Code, relating to sanitation in manufacturing and handling ice.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 6 of Part 1 of Division 5 of the Health and Safety Code is repealed.

Repeal

SEC. 2. Chapter 6 is added to Part 1 of Division 5 of said code, to read:

CHAPTER 6. ICE

Article 1. Regulations and Definitions

Manufacture, etc., of impure ice prohibited

4000. No person shall make ice from, or cut natural ice from, impure or polluted water. No person shall sell or offer for sale for human consumption or food preservation ice made or cut in violation of this chapter.

Bacterial analysis

4001. Unless water from an approved municipal supply is used in the manufacture of ice, the manufacturer shall obtain a bacterial analysis by an accredited laboratory of the water used, quarterly. The analysis shall be submitted to the state or local department of public health, indicating whether the water is pure and wholesome.

Reserve water tanks covered

4002. Any reserve water tanks shall be covered at all times.

Definitions

4003. (a) "Ice plant" means any place or structure, other than a private residence, where ice intended for human consumption, food preservation, or other uses, is manufactured.

(b) "Self-contained ice plant" means any place or structure, other than a private residence, wherein equipment is employed for the making of ice and ice cubes, or the shredding, grinding, or processing thereof, for human consumption.

(c) "Ice distributor" means any person transporting, selling, or distributing ice in any form to users or consumers.

Ice plant provisions

4004. Any ice plant, self-contained ice plant, or distributor shall comply fully with the following provisions:

(a) A room in which ice is manufactured shall be used for no other purpose than the manufacture of ice and the production of refrigeration. Machinery and refrigeration equipment are excepted under this subdivision.

(b) A room in which ice is stored or processed shall be used for no other purpose during such period of storage or processing. Storage or processing rooms shall be maintained in a clean and sanitary condition and no noxious or offensive odors, smoking, or other air pollution shall be permitted.

(c) The floors, walls, and ceilings in a room where ice is manufactured, processed, or stored shall be maintained in a clean and sanitary condition.

(d) A room in which ice is manufactured, processed, or stored shall be adequately illuminated with natural or artificial lighting.

(e) The entire premises, including all equipment or parts thereof, shall be maintained in a clean and sanitary condition at all times, free from filth, refuse, vermin, insects, or rodents.

(f) Cover tops for tank cans shall have a smooth, painted, or treated surface, and shall be cleaned daily. Water used for cleaning shall not be permitted to drip into freezing cans.

(g) Crushed, cubed, or shaved ice, intended for human consumption, shall be stored in a manner to prevent its pollution or contamination.

(h) Soil, waste, or drain pipes shall not be installed or maintained above any ice platform, loading space, ice container, ice storage room, dip tank, or any place where leakage from such pipes may drop into, or upon, any ice or upon any area or equipment used in the manufacture of ice, unless a proper safety shall be installed under such pipes properly drained to an open receptacle or drain to prevent pollution of ice, water, or equipment used in the manufacture of ice.

(i) Ice-loading platforms shall be washed with water as often as necessary to keep them in a clean and sanitary condition, but not less than once each day.

(j) Pullers and storage-room employees shall wear rubbers over shoes while on duty. Such rubbers shall be removed when the employee leaves the storage or tank room, except that if rubbers are not removed, they shall be cleaned and disinfected in a suitable solution before re-entering the storage or tank room. The use of street shoes without rubbers in these areas is prohibited.

(k) All persons handling ice shall wear clean clothing at all times. No person shall expectorate or smoke in any room where ice is manufactured, stored, or processed.

(*l*) Ice shall be handled only with tongs, ice-carrying bags, scoops, or other sanitary containers, and not with the hands.

Ice a food subject

4005. Ice shall be considered a food subject to the provisions of Article 1 of Chapter 7 of Division 21, in addition to the provisions of this chapter.

Vehicles used for delivering ice

4006. Any truck, vehicle or other equipment used for delivery, distributing, or selling ice, shall comply with the following provisions:

(a) It shall be constructed and maintained to provide adequate and reasonable protection to the ice transported therein. Care shall be taken to prevent its contact with filth or other refuse, and to prevent its contamination by animal or vegetable matter, noxious oils, acids, or other offensive substances

(b) The interior shall be thoroughly cleaned daily.

(c) Fabric bags used for handling cube and crushed ice shall be thoroughly washed before filling. In lieu of fabric bags, wet-strength nonreturnable paper bags or any other container made from a material complying with standard sanitary handling may be used as a package for the delivery of ice.

(d) Cubed or crushed ice packaged in fabric or paper bags, or other containers, shall not be stacked on top of one another, unless each bag, or other container, has an adequate cover for protection.

(e) All cubed, crushed, or shaved ice shall be kept in clean receptacles or containers which shall be kept covered while the vehicle is in motion. The grinding, shaving, cubing, or processing of ice, on streets, alleys, highways, or sidewalks, is prohibited.

Article 2. Enforcement

Enforcement

4008. (a) The provisions of this chapter shall be enforced by the State Department of Public Health, or any local public health department.

(b) Any health officer or inspector, upon demand and notice of his authority, may, during reasonable hours, enter and inspect the ice, equipment, premises, sources of supply, and places of storage used by any person for storing or selling ice intended for human consumption or the preservation of food.

Misdemeanor

4009. Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500), or by imprisonment in a county jail for not exceeding six months, or by both such fine and imprisonment.

Exceptions

4009.5. This chapter shall not apply to a public eating place or to the icing of trucks, railroad cars and boats.

CHAPTER 1432

An act to amend Sections 13401 and 13402 of, and to repeal Sections 13406 and 13408 of, the Education Code, relating to the holding of teachers' institutes.

In effect September 9, 1953

[Approved by Governor June 26, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Section 13401 of the Education Code is amended to read:

Annual teachers' institute

13401. The superintendent of schools of every county in which there are 20 or more school districts, and of every city and county, and of every city school district governed by a city board of education and employing 70 or more teachers, may hold an annual teachers' institute in each year.

SEC. 2. Section 13402 of said code is amended to read:

Same

13402. In any county in which there are less than 20 school districts, the county superintendent of schools may hold an annual teachers' institute.

Repeal

SEC 3. Sections 13406 and 13408 of said code are repealed.

CHAPTER 1433

An act to amend Section 449 of the Education Code, relating to the salaries of officers in a county of the forty-ninth class.

In effect September 9, 1953

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Section 449 of the Education Code is amended to read:

449. The annual salary of the county superintendent of schools of a county of the forty-ninth class is six thousand three hundred dollars ($6,300), and he shall possess a valid elementary administrative credential issued by the State Board of Education.

Lake County Superintendent of Schools Salary

CHAPTER 1434

An act to amend Section 160.6 of the Agricultural Code, relating to licenses for pest control.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 160.6 of the Agricultural Code is amended to read:

160.6. It is unlawful to operate any aircraft in the business of pest control unless the pilot operating the aircraft holds (a) a valid certificate of qualification issued by the director or (b) a valid apprentice certificate issued by the director. A fee of twenty-five dollars ($25) shall accompany each application for each such certificate.

Pilot's certificate to operate aircraft for pest control purposes

Before a certificate of qualification may be issued, the applicant shall pass an examination to demonstrate to the director his ability to conduct pest control operations, and his knowledge of the nature and effect of materials used in pest control. Certificates of qualification issued to successful candidates shall disclose therein in which of three general classes of pest control operations, to wit: the use of herbicides and defoliants, the use of pesticides other than herbicides and defoliants (dust) and the use of pesticides other than herbicides and defoliants (liquid), the applicant is qualified and the holder of a certificate of qualification shall only be authorized to conduct those pest control operations in which he is found qualified.

Examination

No certificate of qualification shall be issued to any applicant, other than the holder of a valid apprentice certificate, who has not had in effect a valid certificate of qualification issued to him by the director within the previous two calendar years.

No certificate of qualification shall be issued to the holder of an apprentice certificate until he shall present to the director satisfactory documentary proof of his completion of not less than one hundred fifty (150) hours of operation of fixed-wing aircraft or fifty (50) hours of operation of nonfixed-wing aircraft within the past two calendar years in agricultural seeding, fertilizing or pest control activities, not more than twenty-five percent (25%) of which hours shall have been in the application of seed and fertilizers.

In the case of applicants for apprentice certificate, the examination shall be designed to demonstrate the candidate's ability to conduct the specific pest control operations listed in his application. Successful candidates for apprentice certificates shall be

authorized to conduct only the specific kinds of pest control operations for which they are found to be qualified and such operations shall be listed on their apprentice certificates.

The applicant for an apprentice certificate shall satisfy the director, through documentary evidence or other suitable information, that he will be employed by a person holding a license currently in effect and that he will be employed under the direct and personal supervision of a person holding a valid certificate of qualification. All certificates issued after the effective date of this section shall expire on the last day of the calendar year for which they were issued. Certificates may be renewed upon application to the director, accompanied by a renewal fee of five dollars ($5), within the calendar year next following the date of expiration.

Revocation, suspension, etc.

The director may refuse to issue such certificate or renewal of certificate to any pilot, and may revoke or suspend the certificate of any pilot when, after a hearing, he is satisfied that the pilot is not qualified to conduct pest control operations or has violated any of the provisions of this chapter, or rules or regulations issued hereunder, or has failed or refused to comply with any lawful order of the commissioner or the director.

It is unlawful for the holder of an apprentice certificate to conduct pest control operations in accordance with the provisions of his certificate unless he is employed under the direct and personal supervision of a person holding a valid certificate of qualification.

In the event the holder of a valid certificate of qualification or a valid apprentice certificate shall be called to active duty as a member of the armed forces of the United States of America, the holder, upon the termination of such active duty, shall be entitled to renewal of such certificate, notwithstanding any other provisions of this section, upon application to the director and payment of the renewal fee; provided, that such holder shall not be entitled to renewal of a certificate of qualification until he shall have demonstrated to the director his ability to conduct pest control operations and his knowledge of the nature and effect of materials used in pest control.

CHAPTER 1435

An act to amend Sections 9801 and 9807 of the Education Code, relating to the education of mentally retarded minors.

In effect September 9, 1953

[Approved by Governor June 26, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Section 9801 of the Education Code is amended to read:

"Mentally retarded minors"

9801. "Mentally retarded minors" means all minors who because of retarded intellectual development as determined by

individual psychological examination are incapable of being educated efficiently and profitably through ordinary classroom instruction.

SEC. 2. Section 9807 of said code is amended to read:

9807. (a) County superintendents of schools shall establish and maintain special training schools or classes for mentally retarded minors who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 900 and who come within the provisions of Section 9801.1. Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. All costs incurred by the county superintendent of schools under this chapter shall be paid by him from the county school service fund.

Special training schools

(b) County superintendents of schools may establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 9801.1 and contract with an elementary or unified school district with an average daily attendance of 900 or more, subject to such terms and conditions as may be agreed upon. The contract shall require the district to pay to the county school service fund of the county in which the district is located all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors.

Whenever a special training school or class is established under the provisions of subdivision (b) of Section 9807 the computations prescribed by Sections 7034 and 7037 shall not apply.

(c) County superintendents of schools may establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 9801.2.

CHAPTER 1436

An act to amend Section 1372 of the Financial Code, relating to investment of money of pension funds, retirement plans, trust funds, or special funds.

[Approved by Governor June 26, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1372 of the Financial Code is amended to read:

1372. The provisions of this chapter govern the investment of funds by savings banks but wherever by any law of this State it is now provided that the moneys of any pension fund, retirement plan, trust fund, or the moneys of any special fund the investment of which is governed by law, or the funds of any

Investments by savings banks

political subdivision or public corporation may or shall be invested in securities which are a legal investment for savings banks, then such law shall be deemed to authorize or require, as the case may be, that such moneys be invested in securities in which savings banks were authorized to invest their funds by the provisions of the Bank Act as it read prior to January 1, 1949, including securities authorized for investment by paragraph (f) of subdivision 5 of Section 61 of the Bank Act (for which purpose said paragraph (f) shall be deemed to have been re-enacted on December 31, 1948), or by any other law of this State or in which savings banks are authorized to invest their funds by the provisions of Sections 1350 to 1366, inclusive, of this chapter; provided, that the provisions of said sections limiting the amount which a savings bank may invest in securities to a specified percent of its paid-up capital and surplus, or savings deposits, shall not apply to investments authorized by the terms of this section.

CHAPTER 1437

An act to add Article 8 to Chapter 5, Division 9 of the Education Code, relating to school district property.

In effect September 9, 1953

[Approved by Governor June 26, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Article 8 is added to Chapter 5, Division 9 of the Education Code, to read:

Article 8. Exchange of Property

Exchange of property. Access roadway

18761. The governing board of any school district which has acquired title to property included within an application which has been approved by the State Allocation Board for state school building aid and which property is to be used as an access roadway to such school site may exchange such property for other property to be used as an access roadway which abuts a state highway, if in the opinion of the Division of Highways in the Department of Public Works there is objection to the first access roadway, and if in the opinion of the governing board the property acquired by such exchange will afford more safety to the pupils of the district.

CHAPTER 1438

An act to add two new sections to the Financial Code to be numbered 1545.5 and 662, relating to valuation of United States bonds deposited with the State Treasurer by trust

companies and the issuance of capital notes and debentures by banks.

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 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 Financial Code to be numbered 1545.5, reading as follows:

Revaluation of securities Valuation of U. S. securities

1545.5. When any revaluation of securities is made by the superintendent pursuant to Section 1545, other than at the time such securities are presented for deposit, United States Government securities having a maturity date less than five years from the date of such revaluation shall be valued at not less than par.

SEC. 2. A new section is hereby added to the Financial Code, to be numbered 662, reading as follows:

Sale, etc., of capital notes and debentures

662. A bank with the prior approval of the superintendent and after obtaining the approval of shareholders holding a majority of the shares of the bank evidenced either in a writing signed by the shareholders or by vote at a shareholders' meeting, at any time, may issue, sell or hypothecate its capital notes or debentures which may be payable upon such terms and may bear such rate of interest, if any, as may be provided therein or which may be convertible into stock with the approval of the superintendent. Such capital notes and debentures shall be subordinate to the claims of creditors and depositors and it shall be provided in any such capital notes or debentures that in the event of liquidation all depositors and other creditors of the bank shall be entitled to be paid in full with such interest as may be provided by law before any payment shall be made on account of principal of or interest on said capital notes or debentures and may provide that after payment in full of all sums owing to such depositors and creditors the holders of such capital notes shall be entitled to be paid from the remaining assets of the bank the unpaid principal amount of the capital notes or debentures plus accrued and unpaid interest thereon before any payment or other distribution, whether in cash, property or otherwise, shall be made on account of any capital stock of the bank. It shall be provided in such capital notes or debentures that no payment shall at any time be made on account of the principal thereof, unless following such payment the aggregate of the capital, surplus, undivided profits, and capital notes or debentures thereafter outstanding shall be the equal of such aggregate at the date of the original issue of such capital notes or debentures, or as may be otherwise authorized by the superintendent.

Such capital notes or debentures shall not be deemed "paid up capital" or "paid in capital," as said terms are used in this Banking Law.

CHAPTER 1439

An act to amend Section 2 of the Vallejo Sanitation and Flood Control District Act (Chapter 17 of the Statutes of 1952, First Extraordinary Session), relative to the Vallejo Sanitation and Flood Control District.

In effect September 9, 1953

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 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 as follows:

Objects and purposes

SEC. 2. Objects and Purposes of Act and Powers of District. The objects and purposes of this act are to provide for the collection and disposal of sewage and industrial waste and for the control and disposition of the storm and flood waters of said district, and to protect the public health and also to protect from damage from such storm and flood waters the waterways, property, public highways and public places in said district. The Legislature hereby declares that special facts and circumstances peculiar to the area within the district having the boundaries hereinabove defined makes the accomplishment of the objects and purposes of this act impossible under existing general law and special legislation is necessary. The State and the people thereof have a primary and supreme interest in the securing to the inhabitants and property owners within the district hereinabove described adequate facilities for the collection and disposal of sewage and the protection from waters naturally flowing into the district from the surrounding mountainous watershed. Special investigation has shown that the conditions within the district hereinabove described are peculiar to that area and that this act is essential to carry out the objects and purposes herein expressed and for the elimination of duplication of governmental authority and securing greater economy of administration. It is further found and determined that the area within the district herein defined has no facilities for the sanitary treatment and disposal of sewage and is consequently contaminating and polluting the waters of San Francisco Bay. The area within the district is of strategic importance due to the proximity of Mare Island Navy Yard. The influx of Navy personnel and their families and civilian workers at the Mare Island Navy Yard has greatly aggravated the problem of sewage disposal in that area; said problem of sewage disposal is further aggravated by lack of adequate drainage and floodwater control and the infiltration of storm and flood waters into existing sanitary sewers; both the problem of sanitary sewage and drainage and the problem of storm water flood control are so correlated and interrelated that the special problems relating to each can only be solved by uniform administration and a uniform control plan of sewage disposal and flood control works.

The Vallejo Sanitation and Flood Control District is hereby declared to be a body corporate and politic and as such shall have power: District powers

(a) Succession. To have perpetual succession. Succession

(b) Suits. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction. Suits

(c) Seal. To adopt a seal and alter it at pleasure. Seal

(d) Ownership of Property. To take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers. Property ownership

(e) Acquisition of Property. To acquire or contract to acquire lands, rights of way, easements, privileges or property of every kind within or without the district, and construct, maintain and operate any and all works and improvements within or without the district necessary, convenient or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized. Property acquisition

(f) Eminent Domain. To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use by the State, any political subdivision or district thereof. Eminent domain

(g) Sanitary Sewage Disposal Works. To acquire, construct, reconstruct, alter, own, operate, maintain and repair sewage treatment plants, including digesters, sludge heaters, sludge drying beds, effluent pumping plants, screens, clarifiers, storage ponds, control buildings, oxidizing ponds, sewage digestive systems, intercepting, collecting and outfall sewers, laterals, pipes, manholes, machinery, equipment, and all other facilities for the collection, transmission and disposition of sewage and industrial wastes, together with all works, properties or structures necessary or convenient for sewage disposal purposes. The terms "sanitary sewage disposal works," "sewage disposal works," "sanitary sewage disposal purposes" or "sewage disposal purposes" or similar terms whenever used herein shall include and comprehend all of the works, properties or structures necessary or convenient for sewage disposal purposes. Sanitary sewage disposal

(h) Drainage and Flood Control Works. To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, spreading basins, tunnels, drains, machinery and equipment necessary therefor, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and/or complete the same, and, in connection with any such reservoirs or spreading basins, to acquire or construct such improvements, including landscaping, apparatus and equipment, that said reservoirs or spreading basins may incidentally be used for park, playground or other recrea- Flood control

tion purposes. The terms "storm water flood control works," "drainage works." "storm water flood control purposes" and "drainage purposes" and similar terms whenever used in this act shall mean and include all works, properties, or structures necessary or convenient for drainage and flood control purposes, and said purposes incidental thereto.

Indebtedness

(i) Indebtedness. To incur indebtedness, and to issue bonds or other evidence of indebtedness in the manner herein provided, and to provide for the issuance of warrants of the district and the registration of any warrants not paid for want of funds and interest thereon after registration and until payment, and also to issue bonds or other securities payable from revenues.

Revenues

(j) Revenues From Revenue Producing Utilities. To prescribe, revise and collect tolls, rents or other charges for any services or facilities furnished by the district; to contract with the City of Vallejo or any other public or private agency for the collection of tolls, rents or other charges for any facility or service furnished by the district and to provide for the collection of such tolls, rents and charges along with the collection of water charges by the City of Vallejo or any other public or private agency.

Assessments

(k) Assessments. To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

Employees

(*l*) Employees. To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including a secretary or clerk, superintendent of work or manager, and define their powers and duties as in this act provided, and fix and determine the amount of bond required of each appointee and pay the premium on such bond; which said officers and employees and each of them shall serve at the pleasure of the board of trustees of said district; provided, however, that the compensation, or at least the rate thereof or some basis for computing the same, shall be fixed and stated in the order of appointment of each such person. Said board shall have the power to combine any two or more offices in its discretion.

Zones

(m) Zones. To establish and fix the boundaries of zones in said district as in this act hereinafter provided; to make transfers of money from the operation fund of said district to any special fund and to create and administer such special funds as in their discretion may seem advisable; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works and improvements provided for herein, and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

Contracts

(n) Contracts. To make and enter into contracts with the United States of America, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of Cali-

fornia or the United States of America, and/or any person, firm, association or corporation, jointly and/or severally, for the acquisition of property or rights and/or the construction, maintenance and/or operation in whole or in part of any and/or all works and/or improvements provided in this act.

(o) Lease of Property. To lease and/or rent to or from the City of Vallejo, the County of Solano, or any public or private agency, or person, firm or corporation, any property or rights necessary, in the opinion of the board of trustees of said district, to accomplish or carry out any of the work or improvement or the maintenance thereof herein provided and under such terms and conditions as may be agreed upon between the parties. Property leases

(p) Contributions. To receive and accept any and all contributions in labor, materials or money to be applied to the works or improvements herein provided for. Contributions

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CHAPTER 1440

An act to add Article 5.5 to Chapter 2, Division 4 of Title 2 of the Government Code, relating to the Capital Outlay and Savings Fund, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.] In effect immediately

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

SECTION 1. Article 5.5 is added to Chapter 2, Division 4 of Title 2 of the Government Code, to read:

Article 5.5. Capital Outlay and Savings Fund

16407. The Capital Outlay and Savings Fund is continued as a special fund in the State Treasury. Fund continued

16407.1. All appropriations payable from the Capital Outlay and Savings Fund which were available on the effective date of this section shall remain available for the purpose for which appropriated until June 30, 1956, and all appropriations hereafter made from such fund shall remain available for three years from the date they first become available. Upon the expiration of the period of availability, the unencumbered balance of any such appropriation shall revert to the unappropriated balance of the Capital Outlay and Savings Fund. Available appropriations

16407.2. Whenever provision is made for the transfer of money to the Capital Outlay and Savings Fund, all or part of such transfer may be made by the transfer of bonds or other securities held by the State Treasurer at their market price, plus accrued interest, computed at the date of transfer. Transfers to fund

16407.3. The money in the Capital Outlay and Savings Fund shall be invested and reinvested by the Director of Finance in bonds or other obligations of the United States, or for Investment

which the full faith and credit of the United States are pledged, and such 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 section. The increment by way of interest or otherwise from such investments shall accrue to the Capital Outlay and Savings Fund in augmentation thereof.

Report of expenditures

16407.4. A report of the expenditures for construction, improvements and equipment from appropriations made from the Capital Outlay and Savings Fund shall be included in the budget submitted to the Legislature by the Governor, which report shall be in lieu of the report mentioned in Section 12 of Chapter 145, Statutes of 1946, First Extraordinary Session.

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 the urgency are: There appearing to be a question as to whether or not appropriations heretofore made from the Capital Outlay and Savings Fund in the current and previous budget acts will be available for expenditure beyond June 30, 1953 and in order to insure that no legal obstacle will prevent the construction of projects authorized by the Legislature, it is necessary that this act go into immediate effect.

CHAPTER 1441

An act to amend Section 10971 of the Insurance Code, relating to fraternal benefit societies.

In effect September 9, 1953

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Section 10971 of the Insurance Code is amended to read:

Exemptions

10971. This chapter shall not, except as provided by Sections 10972 and 10974, affect:

(a) A lodge operating under the lodge system, which provides in its by-laws or rules or regulations for the payment of death benefits not exceeding five hundred dollars ($500) on the death of a member or for the payment of disability benefits not exceeding five hundred dollars ($500) to a member during any period of 12 consecutive calendar months, or both such types of benefits.

(b) The subordinate branch of a lodge, as a lodge is defined in Section 10972, or any association formed by the members of a lodge, which association confines its membership to the members of such lodge, which subordinate branch or association (1) is organized without capital stock, (2) is organized and operated solely for the benefit of its members or their beneficiaries and

not for profit, and (3) provides in its by-laws or rules or regulations for the payment of either or both of the following benefits: (i) A benefit of not exceeding five hundred dollars ($500) on the death of a member from any cause; (ii) A benefit of not exceeding five hundred dollars ($500) on the accidental death of a member or benefits not exceeding five hundred dollars ($500) during any period of 12 consecutive calendar months to a member for his disability.

(c) A lodge operating under the lodge system or any subordinate branch thereof or any association formed by the members thereof which association confines its membership to the members of such lodge, which subordinate branch or association (1) is organized without capital stock, (2) is organized and operated solely for the benefit of its members or their beneficiaries and not for profit, and (3) provides in its by-laws or rules or regulations for the payment of death benefits not exceeding one thousand dollars ($1,000) on the death of a member or for the payment of disability benefits not exceeding one thousand dollars ($1,000) to a member during any period of 12 consecutive calendar months, or both such types of benefits and which paid such benefits on or before September 15, 1945.

(d) Contracts of reinsurance on a plan under subdivisions (a), (b) or (c).

CHAPTER 1442

An act to amend Section 1370 of the Insurance Code, relating to reciprocal insurers.

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1370 of the Insurance Code is amended to read:

1370. Forms in Which Assets of Exchange Are to Be Maintained. Every exchange shall maintain its required assets in any one, or more, or all of the following forms:

Permissible investments

(a) In cash or deposits in solvent banks;

(b) Invested in securities of the kind designated for the investment of assets of incorporated insurers having a capital stock by the laws of the State where the principal office is located;

(c) Invested in real property acquired by or for it to secure the payment of loans heretofore contracted or for moneys heretofore due, or purchased at sales upon deeds of trust or upon judgments obtained for such loans or debts, or conveyed to it in satisfaction of debts heretofore contracted in the course of its dealings. Such real property may be acquired, held and conveyed on behalf of such exchange in trust by the attorney, but shall be sold and disposed of within five years after acquisition

of title thereto unless the time for any such sale or disposal is extended by the commissioner in writing.

(d) Excess fund investments may be made in real estate and in making improvements thereon for business or residential purposes as an investment for the production of income. The phrase "business or residential purposes" shall not include real estate primarily intended for use or valued as agricultural, horticultural, farm, ranch or mineral property. Any such investment may be made only by admitted exchanges having admitted assets aggregating in value not less than twenty-five million dollars ($25,000,000). Real estate acquired and improvements made thereon shall not exceed an amount equal to 5 percent of the admitted assets of the exchange Any investment in a single parcel of real estate including improvements thereon made under the authority of this subsection shall not be made in an amount in excess of 1 percent of the admitted assets of the exchange. Percentage or dollar value of assets as provided herein shall be determined by the exchange's last preceding annual statement of conditions and affairs made as of the December 31st last preceding and which has been filed with the commissioner pursuant to law.

(e) In addition to the investments authorized under the provisions of paragraphs (a) to (d) inclusive of this section, every exchange may purchase, hold, or reconvey real estate for the following purposes:

(1) The building in which it has its principal office and the land upon which that building stands.

(2) Real estate requisite for its accommodation in the convenient transaction of its business.

(f) Subject to the limitations established under the provisions of paragraphs (c), (d) and (e) of this section, every exchange in its own name as in the case of an individual, may purchase, receive, own, hold, lease, mortgage, pledge or encumber, by deed of trust or otherwise, manage and sell real estate for the purposes and objects of the exchange.

CHAPTER 1443

An act to amend Sections 9541 and 9541.1 of the Business and Professions Code, relating to the regulation and licensing of cleaning, dyeing and pressing establishments and persons engaged therein.

In effect September 9, 1953

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Section 9541 of the Business and Professions Code is amended to read:

Re-examinations

9541. Any applicant who fails to pass the investigation and examination shall be eligible to apply for re-examination after

notification of his failure to pass the examination upon filing a new application and payment of the prescribed fee. Each license shall contain the following:

Contents of license

1. The name of the licensee.

2. If the licensee is a plant, shop, store or pressing establishment, a dry cleaning agency, a hat renovating establishment, a fur renovating establishment, or a private school or college and which is or will be operated under a fictitious firm name, such fictitious firm name and the name and address of the principal place of business of each individual owner interested therein shall appear on the license.

If any licensee operates a branch store or shop under any fictitious firm name, there shall appear on the license issued for the branch store or shop such fictitious name and address of the principal place of business of each individual owner interested therein.

If a corporation or cooperative establishment, the names and addresses of the president, secretary and managing officer only shall appear on the license.

3. Designation of the street and number of the premises in or upon which the licensee is or will be located.

SEC. 2. Section 9541.1 of said code is amended to read:

9541.1. Every licensee shall sign his original or duplicate license and cause it to be posted in a conspicuous place, within reading distance of the consuming public, upon the premises owned or operated by such licensee.

Posting license

CHAPTER 1444

An act to amend Section 11567 of the Business and Professions Code, relating to subdivision maps and related documents.

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 11567 of the Business and Professions Code is amended to read:

11567. The final map shall conform to all of the following provisions:

Form and requisites of final map

(a) It shall be clearly and legibly drawn in black waterproof india ink upon good tracing cloth, including affidavits, certificates and acknowledgments, except that such certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink when recommended by the county recorder and authorized by the local governing body by ordinance.

(b) The size of each sheet shall be 18 by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall

be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

(c) It shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon, including bearings and distances of straight lines, and radii and arc length for all curves, and such information as may be necessary to determine the location of the centers of curves.

(d) Each lot shall be numbered and each block may be numbered or lettered. Each street shall be named.

(e) The exterior boundary of the land included within the subdivision shall be indicated by colored border. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

(f) It shall also satisfy any additional survey and map requirements of the local ordinance.

CHAPTER 1445

An act to repeal Chapter 2 of Part 2 of Division 2 of Title 2 of the Government Code, to add a new Chapter 2 thereto, and to amend Section 10242 thereof, relating to legislative aids, abolishing the California Code Commission, creating the California Law Revision Commission, and prescribing the duties of the Legislative Counsel in connection therewith.

In effect September 9, 1953

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

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

Repeal

SECTION 1. Chapter 2 of Part 2 of Division 2 of Title 2 of the Government Code, comprising Sections 10300 through 10351, is repealed.

SEC. 2. A new Chapter 2 is added to Part 2 of Division 2 of Title 2 of said code, to read:

CHAPTER 2. CALIFORNIA LAW REVISION COMMISSION

Article 1. General

California Law Revision Commission

10300. There is created in the State Government the California Law Revision Commission.

Membership

10301. The commission consists of one Member of the Senate appointed by the Committee on Rules, one Member of the Assembly appointed by the Speaker, and seven additional members appointed by the Governor with the advice and consent of the Senate. The Legislative Counsel shall be an ex officio nonvoting member of the commission.

The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power and shall participate in the activities of the commission to the extent that such participation is not incompatible with their respective positions as Members of the Legislature. For the purposes of this chapter, said Members of the Legislature shall constitute a joint 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 Assembly.

The members appointed by the Governor shall be appointed for a term of four years and shall hold office until the appointment and qualification of their successors. The terms of the members first appointed shall not commence earlier than October 1, 1953, and shall expire as follows: four on October 1, 1955, and three on October 1, 1957. When a vacancy occurs in any such office filled by appointment by the Governor, he shall appoint a person to such office, who shall hold office for the balance of the unexpired term of his predecessor.

Compensation and expenses

10302. The members of the commission shall serve without compensation, except that each member appointed by the Governor shall be paid a per diem of twenty dollars ($20) for each day's attendance at a meeting of the commission. In addition, each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses.

Chairman

10303. The commission shall select one of its members chairman.

Executive secretary

10304. The commission may appoint an executive secretary and fix his compensation, in accordance with law.

Assistants

10305. The commission may employ and fix the compensation, in accordance with law, of such professional, clerical and other assistants as may be necessary.

Assistance by state agencies

10306. The material of the State Library shall be made available to the commission. All state agencies, and other official state organizations, and all persons connected therewith shall give the commission full information, and reasonable assistance in any matters of research requiring recourse to them, or to data within their knowledge or control.

Assistance by State Bar

10307. The Board of Governors of the State Bar shall assist the commission in any manner the commission may request within the scope of its powers or duties.

Activities restricted

10308. Neither the members of the commission nor any employee of the commission shall advocate the passage or defeat of any legislation by the Legislature or the approval or veto of any legislation by the Governor or appear before any committee of the Legislature unless requested to do so by the committee or its chairman.

Article 2. Duties

10330 The commission shall, within the limitations imposed by Section 10335 of this code:

Duties of commission

(a) Examine the common law and statutes of the State and judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.

(b) Receive and consider proposed changes in the law recommended by the American Law Institute, the National Conference of Commissioners on Uniform State Laws, any bar association or other learned bodies.

(c) Receive and consider suggestions from judges, justices, public officials, lawyers, and the public generally as to defects and anachronisms in the law.

(d) Recommend, from time to time, such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of this State into harmony with modern conditions.

Repeal of statutes

10331. The commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the Supreme Court of the State or the Supreme Court of the United States.

Reports, etc

10333. The commission shall submit its reports, and its recommendations as to revision of the laws, to the Governor and the Legislature, and shall distribute them to the Governor, the Members of the Legislature, and the heads of all state departments.

Proposed measures

10334. The commission may, within the limitations imposed by Section 10335 of this code, include in its report the legislative measures proposed by it to effect the adoption or enactment of the proposed revision. The reports may be accompanied by exhibits of various changes, modifications, improvements, and suggested enactments prepared or proposed by the commission with a full and accurate index thereto.

Report of topics to be studied

10335. The commission shall file a report at each regular session of the Legislature which shall contain a calendar of topics selected by it for study, including a list of the studies in progress and a list of topics intended for future consideration. After the filing of its first report the commission shall confine its studies to those topics set forth in the calendar contained in its last preceding report which are thereafter approved for its study by concurrent resolution of the Legislature. The commission shall also study any topic which the Legislature, by concurrent resolution, refers to it for such study.

Printing

10336. The reports, exhibits, and proposed legislative measures shall be printed by the State Printing Office under the supervision of the commission. The exhibits shall be so printed as to show in the readiest manner the changes and repeals proposed by the commission.

Cooperation with legislative committees

10337. The commission shall confer and cooperate with any legislative committee on revision of the law and may contract with any such committee for the rendition of service, by either for the other, in the work of revision.

Cooperation with bar, etc., associations

10338. The commission may cooperate with any bar association or other learned, professional, or scientific association, in-

stitution or foundation in any manner suitable for the fulfillment of the purposes of this chapter.

10340. The commission may, with the approval of the Director of Finance, enter into, amend and terminate contracts with colleges, universities, schools of law or other research institutions, or with qualified individuals for the purposes of research. Contracts

SEC. 3. Section 10242 of said code is amended to read:

10242. The Legislative Counsel shall advise the Legislature from time to time as to legislation necessary to maintain the codes and legislation necessary to codify such statutes as are enacted from time to time subsequent to the enactment of the codes. Such recommendations shall include such restatement without substantive change as will best serve clearly and correctly to express the existing provisions of the law. Legislative Counsel

SEC. 4. The California Code Commission is hereby abolished. The Legislative Counsel shall have custody of all property and records of the California Code Commission. California Code Commission abolished

All funds presently available for expenditure by the California Code Commission shall be available for expenditure by the California Law Revision Commission created by this act.

CHAPTER 1446

An act to amend Section 702 of the Welfare and Institutions Code, relating to contributing to the delinquency of a minor.

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.] In effect September 9, 1953

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

SECTION 1. Section 702 of the Welfare and Institutions Code is amended to read:

702. Any person who commits any act or omits the performance of any duty, which act or omission causes or tends to cause or encourage any person under the age of 21 years to come within the provisions of any of the subdivisions of Section 700 or which act or omission contributes thereto, or any person who, by any act or omission, or by threats, commands, or persuasion, induces or endeavors to induce any person or ward of the juvenile court under the age of 21 years to fail or refuse to conform to a lawful order of the juvenile court, or to do or to perform any act or to follow any course of conduct or to so live as would cause or manifestly tend to cause any such person to become or to remain a person within the provisions of any of the subdivisions of Section 700, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment in a county jail, or may be released on probation for a period not exceeding five years. Contributing to delinquency of minor

Jurisdiction of juvenile court

The juvenile court shall have original jurisdiction over all misdemeanors defined in this section, and in all prosecutions hereunder shall cause the defendant to be duly arraigned, and plead to the charge made against him in the manner provided in the Penal Code upon an indictment or information. In all cases where the defendant prosecuted under this section enters a plea of guilty, the juvenile court shall have jurisdiction to impose sentence or in its discretion to grant probation upon such terms as it deems proper. The court may, as a condition of such probation, require a bond in such sum as the court may designate to be approved by the judge requiring it, to secure the performance by such person of the condition imposed by the court on such probation. The bond shall by its terms be made payable to the State of California, and any moneys received for the breach thereof shall be paid into the county treasury.

CHAPTER 1447

An act to add Chapter 3.5 comprising Sections 5615 to 5686 inclusive, to Division 3 of the Business and Professions Code, relating to landscape architects, providing for the regulating and licensing thereof, and making an appropriation therefor.

In effect September 9, 1953

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Chapter 3.5 is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 3.5. LANDSCAPE ARCHITECTURE

Article 1. General Provisions

5615. As used in this chapter:

Definitions

"Landscape architect" means a person who holds a certificate to practice landscape architecture in this State under the authority of this chapter.

"Landscape architecture" means the profession of preparing plans and specifications and supervising the execution of projects involving the arranging of land and the elements used thereon for public and private use and enjoyment, embracing drainage, soil conservation, planting plans, erosion control, and traffic studies, in accordance with the accepted professional standards of public health and safety.

"Board" means the California State Board of Landscape Architects.

Article 2. Administration

Board of Landscape Architects

5620. There shall be in the Department of Professional and Vocational Standards a California State Board of Landscape

Architects, which shall consist of five members appointed by the Governor. The membership of the board shall at all times consist of at least two members who are residents of, and practice landscape architecture in Southern California and at least two members who are residents of, and practice landscape architecture in Northern California. Each member of the board shall be licensed to practice landscape architecture in this State.

Expiration of terms

5621. The terms of the members of the board first appointed shall expire as follows: one member January 15, 1954, two members January 15, 1955, two members January 15, 1956. Thereafter appointments shall be for a four year term. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

Compensation and expenses

5622. The members of the board shall serve without compensation except that when a member of the board is elected as secretary of the board he shall receive the salary fixed for a secretary. Each member shall receive his necessary travel and other expense incurred in the actual performance of his duties under the provisions of this chapter.

Oath

5623. Before entering upon the discharge of his duties, each member of the board shall take and subscribe the oath of office and file it with the Secretary of State.

President, secretary

5624. The board shall elect from its members a president to hold office for one year and a secretary who may or may not be a member of the board. The secretary shall hold such office at the pleasure of the board and shall receive a salary fixed by the board with the approval of the Director of Finance.

Seal

5625. The board shall adopt a seal for its own use. The seal shall have the words "California State Board of Landscape Architects" inscribed thereon. The secretary shall have the care and custody of the seal.

Proceedings recorded

5626. The secretary shall keep an accurate record of all proceedings of the board, which shall be open to inspection by the public at all reasonable times.

Meetings

5627. The board shall meet at least once each calendar quarter for the purposes of transacting its regular business, and may hold meetings at such times as it may designate. Special meetings of the board shall be called by the secretary, upon the written request of any two members of the board, by mailing to each member of the board at least 20 days in advance of such special meeting a written notice specifying the time and place thereof.

Quorum

5628. Three members of the board shall constitute a quorum for the transaction of business.

Prosecutions

5629. The board shall prosecute all persons guilty of violating the provisions of this chapter. The board may employ such inspectors, special agents, investigators and clerical assistance as it may deem necessary to carry into effect the provisions of this chapter. It may fix the compensation to be paid for such services and incur such additional expense as may be deemed necessary.

Rules of examining applicants

5630. The board shall formulate and adopt a code of rules and regulations for its government in the examination of applicants for certificates to practice landscape architecture in this State, and it may formulate and adopt such other rules and regulations as may be necessary and proper to carry out the provisions of this chapter, if such rules or regulations are not inconsistent with this chapter. The board may from time to time repeal, amend and modify its rules and regulations.

Article 3. Application of Chapter

Illegal advertising

5640. It is a misdemeanor, punishable by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, for any person, on and after June 20, 1954, who, without possessing a valid, unrevoked certificate as provided in this chapter, uses the title or term "Landscape Architect" in any sign, card, listing, advertisement, or in any other manner that would imply or indicate that he is a landscape architect as defined in this chapter.

Exceptions

5641. This chapter shall not be deemed to prohibit any person from making any plans, drawings or specifications for any property owned by him.

Same

5642. This chapter shall not be deemed to prevent a landscape architect from forming a partnership with persons who are not landscape architects if the name of the landscape architect shall appear as the landscape architect on all instruments of service. In no case shall the other members of the partnership be designated or described as landscape architects.

Same

5643. This chapter shall not prevent a person who is engaged in the practice of landscape architecture outside this State from preparing plans and specifications for a stipulated site within this State if he pays the fee provided by this chapter, presents satisfactory evidence to the board that he is competent to practice landscape architecture, and the board issues a temporary certificate to him for the stipulated site.

Exemptions

5644. This chapter does not affect Chapter 3 of Division 3, Chapter 7 of Division 3, or Chapter 9 of Division 3 of this code, relating to architects, civil engineers, and contractors, respectively.

An architect, who holds a certificate to practice architecture in this State under provisions of Chapter 3 of Division 3 or of any other act to regulate the practice of architecture, insofar as he practices architecture in its various branches, is exempt from registration under the provisions of this chapter.

A civil engineer, who holds a certificate to practice civil engineering in this State under provision of Chapter 7 of Division 3 or of any other act to regulate the practice of civil engineering, insofar as he practices civil engineering in its various branches, is exempt from registration under the provisions of this chapter.

A contractor, who holds a license to engage in the business or act in the capacity of a contractor in this State under provisions of Chapter 9 of Division 3 or of any other act to regulate contracting, insofar as he engages in the business or acts in the capacity of a contractor, is exempt from registration under the provisions of this chapter.

Every agriculturist, horticulturist, forester, nurseryman, gardener, landscape gardener, garden or lawn caretaker, and grader or cultivator of land is exempt from registration under the provisions of this chapter.

Article 4. Issuance of Certificates

Examination eligibility requirements

5650. Subject to the rules and regulations governing examinations, any person, over age of 21 years, who has had six years of training and educational experience in actual practice of landscape architectural work shall be entitled to an examination for a certificate to practice landscape architecture. A degree from a school of landscape architecture approved by the board shall be deemed equivalent to four years of training and educational experience in the actual practice of landscape architecture. Before taking the examination he shall file his application therefor with the secretary and pay the application fee fixed by this chapter.

Scope of examination

5651. The board shall ascertain by written examination that an applicant is qualified in the use and understanding of the theory and practice of landscape architecture.

Certificate

5652. If the applicant's examination is satisfactory, and if the board shall find that the applicant is of good moral character, upon the payment of the certificate fee fixed by this chapter, the secretary shall issue a certificate to the applicant, signed by the president and the secretary, sealed with the seal of the board, showing that the person named therein passed the examination and is entitled to practice landscape architecture in this State, in accordance with the provisions of this chapter.

Denial, refusal to issue

5653. The board may deny or refuse to issue a certificate to an applicant upon proof of the commission by the applicant of any act or omission which would constitute grounds for disciplinary action under this chapter if committed by a licensee.

Certificate holders recorded

5654. The board shall keep a record of the names and addresses of all certificate holders and such additional personal data as the board may require. A proper index and record of each certificate issued shall be kept by the board. The certificate shall contain the name of the person to whom issued and his birthplace and age.

Period of validity

5655. Certificates to practice landscape architecture shall remain in full force until revoked or suspended for cause, as provided in this chapter.

Duplicate certificates

5656. A duplicate certificate to practice landscape architecture in place of one which has been lost, destroyed or muti-

lated shall be issued upon proper application, subject to the rules and regulations of the board. A duplicate certificate fee fixed by this chapter shall be charged for the issuance of such duplicate certificate.

Investigations, etc

5660. The board may upon its own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any landscape architect, and may suspend for a period not exceeding one year, or revoke, the certificate of any such landscape architect who is guilty of any one or more of the acts or omissions constituting grounds for disciplinary action under the chapter.

Period for filing accusations

5661. No accusations against a licensee charging the holder of a certificate issued under this chapter with the commission of any act constituting a cause for disciplinary action shall be filed with the board unless it be filed within two years after the act or omission alleged as the ground for such disciplinary action.

Disciplinary proceedings

5662. All proceedings for the suspension or revocation of certificates under this chapter shall be conducted in accordance with the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code. The board shall have all of the powers granted therein.

Renewal or reissuance prohibited

5665. After revocation of a certificate upon any of the grounds set forth in this chapter, the board may not renew or reissue such certificate; however, an applicant may file a new application for an examination with the board, and upon showing that all loss caused by the act or omission for which the certificate was revoked has been fully satisfied and that all conditions imposed by the decision of revocation have been complied with, the board may, at its discretion, issue a new certificate.

Grounds for disciplinary action:

5666. The fact that the holder of a certificate of registration is practicing in violation of the provisions of this chapter constitutes a ground of disciplinary action.

5667. The fact that the holder of a certificate has obtained the certificate by fraud or misrepresentation, or that the person named in the certificate has obtained it by fraud or misrepresentation constitutes a ground for disciplinary action.

5668. The fact that the holder of a certificate is impersonating a landscape architect or former landscape architect of the same or similar name, or is practicing under an assumed, fictitious or corporate name, constitutes a ground for disciplinary action.

5669. The fact that the holder of a certificate has aided or abetted in the practice of landscape architecture, any person not authorized to practice landscape architecture under the provisions of this chapter, constitutes a ground for disciplinary action.

5670. The fact that, in the practice of landscape architecture, the holder of a certificate has been guilty of fraud or deceit constitutes a ground for disciplinary action.

5671. The fact that, in the practice of landscape architecture, the holder of a certificate has been guilty of negligence or wilful misconduct constitutes a ground for disciplinary action.

5672. The fact that the holder of a certificate has been guilty of gross incompetence constitutes a ground for disciplinary action.

5673. The fact that the holder of a certificate has affixed his signature to plans, drawings, specifications or other instruments of service which have not been prepared by him or under his immediate and responsible direction, or has permitted his name to be used for the purpose of assisting any person, not a landscape architect, to evade the provisions of this chapter, constitutes a ground for disciplinary action.

Mental incompetents

5674. If the holder of a certificate has been adjudged mentally incompetent by a court, the board shall suspend his right to practice at its first meeting following the filing with it of a certified copy of the judgment and shall not reinstate him until a certified copy of the judgment restoring him to competency has been filed with it.

Article 6. Revenue

Fees

5680. (a) Every landscape 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 January of each year and shall become delinquent thereafter.

(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 thirtieth day of June in the year in which they became due, the landscape 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 landscape architect at his address as it appears in the records of the board; a notice of the delinquency of the landscape 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 landscape architect's qualifications as may be required in the sound discretion of the board.

(e) The board shall issue a receipt to each landscape architect promptly upon payment of the annual license fee.

Same

5681. The amount of fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for examination is twenty dollars ($20).

(b) The fee for an original certificate is ten dollars ($10).

(c) The fee for a temporary certificate is twenty-five dollars ($25).

(d) The fee for a duplicate certificate is ten dollars ($10).

(e) The annual license fee is twenty-five dollars ($25), but the state board may reduce the fee to not less than five dollars ($5).

California State Board of Landscape Architects Fund

5682. Within 10 days after the beginning of every month, all fees collected by the department for the month preceding, under the provisions of this chapter, shall be paid into the State Treasury to the credit of the California State Board of Landscape Architects Fund, which is hereby created.

Continuous appropriation

5683. The money paid into the California State Board of Landscape Architects Fund is continuously appropriated to the board for expenditure in the manner prescribed by law to defray the expenses of the board and in carrying out and enforcing the provisions of this chapter.

Article 7. Temporary Provisions

Examination waived

5685. Notwithstanding any other provisions of this chapter, any person over the age of 21 years and of good moral character, who submits evidence to the board that, for not less than one year prior to the passage of this act, he has been regularly engaged in the practice of landscape architecture as defined in this chapter, shall be entitled to receive, without an examination, a certificate to practice landscape architecture, if he files an application therefor accompanied by the fee for an original certificate on or before June 30, 1954.

Qualifications of board members

5686. Notwithstanding the provisions of Section 5620, the first five persons appointed as members to the board shall not be required at the time of their first appointment to be licensed to practice landscape architecture; however, they each shall have all the other qualifications specified in this chapter.

CHAPTER 1448

An act to add Part 3 to Division 9 of the Public Utilities Code, regarding the sale, solicitation or procurement of air transportation, to be known as the "Aircraft Transportation Brokers Act."

In effect September 9, 1953

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Part 3 is added to Division 9 of the Public Utilities Code, to read:

PART 3. AIRCRAFT TRANSPORTATION BROKERS

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

Short title

24001. This part may be cited as the "Aircraft Transportation Brokers Act."

24002. The Legislature declares that the public welfare requires control of those persons, whether acting individually or as firms, associations, corporations or copartnerships, who hold themselves out to act as aircraft transportation brokers for air carriers operating either in intrastate or interstate commerce in this State for compensation and that the public welfare requires control of such brokers in order to eliminate misleading, deceptive, confusing and unfair advertising and selling practices and to restore public confidence in air travel. Declaration

24003. The definitions contained in this chapter govern the construction of this part. Construction

24004. "Aircraft" means all vehicles of flight which are licensed to carry 10 or more passengers, whether take-off is from land or water. "Aircraft"

24005. "Aircraft transportation broker" or "aircraft transportation brokerage business" means any person, firm, association or corporation engaged in the sale, solicitation or procurement of air transportation or the issuance or promise to issue any ticket, reservation, scrip, receipt or any other token for passenger space on any aircraft. "Aircraft transportation broker"

24006. "Air carrier" or "air carriers" means any individual, partnership or corporation who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in air transportation. "Air carrier"

24007. "Air transportation" means intrastate, interstate, overseas or foreign transportation of passengers by aircraft. "Air transportation"

24008. "Contracting air carrier" means an air carrier named in a writing in which it contracts that, subject to any terms stated therein, it will carry a passenger by aircraft. "Contracting air carrier"

24009. "Secretary of State" means the Secretary of State for the State of California. "Secretary of State"

CHAPTER 2. AIRCRAFT TRANSPORTATION BROKERS

24021. It is unlawful for any person, firm, association or corporation to act or purport to act as an aircraft transportation broker or to engage or purport to engage in the aircraft transportation brokerage business within this State without first having complied with the provisions of either Section 24022 or Section 24023. Noncompliance unlawful

24022. Any aircraft transportation broker shall be deemed to have complied with this part by depositing with the Secretary of State a surety bond executed by such broker as principal, in the sum of five thousand dollars ($5,000) conditioned on the faithful and honest conduct of business by the broker or his employees or agents. The bond shall be taken in the name of the people of this State and every person injured by the wilful, malicious or wrongful act of the principal acting in the course and scope of his occupation or business or by any official, agent or employee of such principal acting in the course or scope of his employment or agency, may bring an action on the bond in his own name to recover damages suffered by reason of such wilful, malicious or wrongful act. Bond

Change of name, address

The aircraft transportation broker shall notify the Secretary of State within 10 days of any change in the name under which he is engaged in business or any change in each and every address at which the aircraft transportation broker is engaged in business or his discontinuance in business. The aggregate liability of the surety company for any and all claims which arise under the bond shall in no event exceed the amount of the penalty of the bond.

Appointment to act for contracting air carrier

24023. Any aircraft transportation broker shall be deemed to have complied with this part by filing with the Secretary of State a written statement under oath that all air transportation as respects which the broker acts or purports to act as an aircraft transportation broker is issued over the line of a contracting air carrier or carriers which has authorized the broker to act on its behalf and has agreed to furnish transportation according to its published tariffs on any tickets sold by said broker or to refund on demand according to its published tariffs any unused tickets sold by the broker. Attached to the written statement shall be documentary evidence of the appointment of the broker to act for such contracting air carrier or carriers. The aircraft transportation broker shall notify the Secretary of State within 10 days of any change in the agreement or agreements between him and the contracting air carrier or carriers which he is authorized by agreement to represent.

Filing fee

24024. No filing fee shall be payable for the deposit of the bond referred to in Section 24022. There shall be a fee of five dollars ($5) payable to the Secretary of State for the filing of the written statement referred to in Section 24023.

Employees exempt

24025. No compliance with this part shall be required of a bona fide employee of an aircraft transportation broker if the broker has complied with Section 24022 or 24023, as respects activities of such employee performed within the scope of his employment and while his employer continues to comply with this part.

Misdemeanor

24026. Any person violating any provision of this part 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 a period of not longer than six (6) months, or by both such fine and imprisonment. Every person shall be deemed guilty of a separate offense for each and every day the provisions of this section are violated; and for every day during which any violations of this section or its provisions continue, such person shall be punished therefor as herein provided.

Surety bond

24027. The surety bond required by this part shall be in lieu of any other bond, and the posting of a bond shall not be required by any local authority. This provision, however, shall not prohibit the regulation and licensing of air transportation brokers by any city or county.

Exceptions

24028. The provisions of Chapter 1 and Chapter 2 of Part 3, Division 9 of the Public Utilities Code shall not apply to any person or organization holding a certificate of authority issued

under the provisions of Part 5 of Division 2 of the Insurance Code.

CHAPTER 1449

An act to amend Section 8800 of the Business and Professions Code, relating to land surveying.

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 8800 of the Business and Professions Code is amended to read:

Professional Engineer's Fund

8800. The department shall receive and account for all money derived under the operation of this chapter and, at the end of each month, shall report such money to the State Controller and shall pay it to the State Treasurer, who shall keep the money in a separate fund known as the Professional Engineer's Fund. The Civil Engineers Fund is hereby abolished. The unexpended balance remaining in this fund on the effective date of this act shall, on order of the State Controller, be transferred to the Professional Engineer's Fund. All necessary expenses incurred in carrying out the provisions of this chapter, shall, in accordance with law, be paid from the Professional Engineer's Fund.

CHAPTER 1450

An act to add Section 1325.1 to, and to amend Section 1326 of, the Code of Civil Procedure, relating to real or personal property held in the Unclaimed Property Fund or the School Land Fund, and making an appropriation.

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1325.1 is added to Code of Civil Procedure, to read:

Continuous appropriation School Land Fund

1325.1. All money in the School Land Fund the title to which has vested absolutely in the State and to the recovery of which all claimants are barred, either by court judgment or operation of the law, except money which constitutes a part of the perpetual trust under the provisions of Section 4 of Article IX of the State Constitution, and money which was transferred to, or deposited in, the School Land Fund under the provisions of an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, as-

sociations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," approved by electors November 2, 1920, as amended, also known as the "Alien Land Law," as amended, is hereby continuously appropriated to the Controller without regard to fiscal years, for expenditure for the following purposes.

Authorized expenditures

(a) For payment of the cost of title searches and appraisals incurred by the Controller covering real or personal property held in such fund;

(b) For payment of the cost incurred by the Controller covering indemnity bonds required in order to have duplicate certificates of ownership issued in order to replace lost certificates, covering personal property held in such fund;

(c) For payment of amounts required to be paid by the State as trustee, bailee, or successor in interest to the preceding owner, pursuant to the provisions of trust deeds, mortgages, or other liens on real property held in such fund;

(d) For payment of costs incurred by the Controller for the repair, maintenance and upkeep of real and personal property held in such fund;

(e) For payment of costs of official advertising in connection with the sale of real or personal property held in such fund.

Any expenditure made by the Controller pursuant to the provisions of this section shall, in the discretion of the Controller, be charged to the balance credited to any account in the School Land Fund which covers moneys which are appropriated by the provisions hereof; and if sufficient balance is not available in any such account, the expenditure may be made from any appropriation from the General Fund for the support of the Controller, or, in the case of official advertising, from any appropriation available therefor, to be reimbursed from the proceeds of any subsequent sale of the property for which such expenditure is made.

SEC. 2. Section 1326 of the Code of Civil Procedure is amended to read:

Obligations, approval, etc.

1326. Any obligation incurred or expenditure made by the Controller pursuant to subdivisions (b) to (e), inclusive, of Section 1325, or pursuant to Section 1325.1, of this code, which is in excess of two hundred dollars ($200), shall be subject to the approval of the State Board of Control prior to incurring such obligation.

CHAPTER 1451

An act to add Section 11030.1 to the Government Code, relating to state employees.

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 11030.1 is added to the Government Code, to read:

11030.1. When a state employee dies while traveling on official state business the State shall, under rules and regulations adopted by the Board of Control, pay the traveling expenses necessary to return the body to his official headquarters or the place of burial in the State of California, whichever is the smaller amount. This subdivision shall not be construed to authorize the payment of the traveling expenses, either going or returning, of one accompanying such body.

Expenses of returning body of state employee

CHAPTER 1452

An act to amend Section 1708 of the Elections Code, relating to elections.

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1708 of the Elections Code is amended to read:

1708. Each separate paper shall have attached an affidavit made by a voter of the city. The affidavit shall state that the affiant circulated that particular paper, saw written the signatures appended thereto and that he resides at _____; and that according to the best information and belief of the affiant:

(a) Each is the genuine signature of the person whose name it purports to be.

(b) The signer is a voter of the city.

Initiative circulators' Affidavit

CHAPTER 1453

An act to amend Section 1861a of the Civil Code, relating to liens of keepers of apartment houses, apartments, cottages, or bungalow courts.

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 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:

Innkeeper's liens

1861a. Keepers of apartment houses, apartments, cottages, or 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 apartment house, apartment, cottage, or 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 an apartment house, apartment, cottage, or 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 apartment house, apartment, cottage, or 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 apartment house, apartment, cottage, or 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 an apartment house, apartment, cottage, or bungalow court to such tenant or guest; and if not demanded within six months from the date of such sale, said residue, if 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 an apartment house, apartment, cottage, or 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.

Exemptions

This section does not apply to:

(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.

(c) Necessary household, table, and kitchen furniture, including one refrigerator, washing machine, sewing machine, stove, stovepipes, and furniture, dresser, dressing table, overstuffed chair, davenport, dining table, and also all tools, instruments, clothing and books used by the tenant or guest in gaining a livelihood; beds, bedding and bedsteads, hanging pictures, oil paintings and drawings drawn or painted by any member of the family of the tenant or guest, and any family portraits and their necessary frames, provisions and fuel actually provided for individual or family use, sufficient for three months, and three cows and their suckling calves, and four hogs and their suckling pigs, and food for such cows and hogs for one month, also one piano, one shotgun and one rifle.

CHAPTER 1454

An act to add Sections 7615 and 7616 to the Financial Code, relating to the rights of investors in savings and loan associations to inspect records and to bring derivative actions.

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 7615 is added to the Financial Code, to read:

Register of investors, etc. Inspection

7615. The register of investors, the books of account and the minutes of an association shall be subject to inspection upon the written demand of any stockholder, but only with the prior approval of the commissioner given after a hearing upon at least 20 days' written notice to such association, which approval shall not be given unless the commissioner determines that such inspection is in the best interests of the association and its stockholders. Shareholders and certificate holders, as such, shall have no right to inspect the register of investors, the books of account, or the minutes or other records of an association.

SEC. 2. Section 7616 is added to the Financial Code, to read:

Shareholder, etc., suits

7616. No action may be instituted or maintained in the right of any association by any shareholder or certificate holder, as such. Such action may not be instituted or maintained by a stockholder of any association, unless all of the following conditions exist:

(1) The plaintiff alleges in the complaint that he was a registered stockholder at the time of the transaction or any part thereof of which he complains or that his stock thereafter devolved upon him by operation of law from a holder who was a holder at the time of the transaction or any part thereof complained of.

(2) The plaintiff alleges in the complaint with particularity his efforts to secure from the board of directors such action as he desires and alleges further that he has either informed the

association or such board of directors in writing of the ultimate facts of each cause of action against each defendant director or delivered to the association or such board of directors a true copy of the complaint which he proposes to file, and the reasons for his failure to obtain such action or the reasons for not making such effort.

(3) The commissioner shall have determined, after a hearing upon at least 20 days' written notice to such association and each of its directors, that such action (a) is proposed in good faith and (b) is in the best interests of the association and its stockholders.

Subdivisions (b) and (c) of Section 834 of the Corporations Code shall be applicable in the case of any such action.

CHAPTER 1455

An act creating a temporary committee for the study of measures necessary for the protection of Redondo Beach and making an appropriation therefor.

In effect September 9, 1953

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

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

Declaration

SECTION 1. The Legislature finds and declares that the lives and property of the people of the City of Redondo Beach are subject to the constant threat of the destructive effect of violent ocean storms; that while for many years great amounts of money have been expended for the restoration of the sea wall at Redondo Beach, the funds have been expended without any plan which would afford permanent protection for the sea wall.

The Legislature further finds and declares that without such a plan for permanent protection of the sea wall, it cannot determine the extent, if any, of the state interest in the works and that it is necessary that such a plan be made without delay.

Committee

SEC. 2. There is in the Governor's Office a Temporary Committee for the Study of Measures to Protect Redondo Beach from Ocean Storms. The members shall be appointed by the Governor from qualified persons and shall include representatives of interested state and local agencies and such other qualified persons as the Governor determines necessary to carry out the purposes of this act.

Employees

SEC. 3. The Governor shall employ such technical and other assistance for the committee as may be necessary to study and determine the most feasible plan for permanent protection of Redondo Beach. Officials and employees otherwise employed by the State who are also appointed or employed under this act shall receive no additional compensation for the work done pursuant to the provisions of this act during the normal course of such other state employment, but shall receive actual and necessary expenses in connection therewith.

The Governor may request representatives of the Corps of Engineers of the United States Army and any interested public or private entity to cooperate with the committee on the study contemplated by this act.

SEC. 4. Upon request of the committee and to the extent that funds are available therefor, each state agency shall cooperate with the committee and render to it such technical assistance as may be requested. Cooperation

SEC. 5. The committee shall study and report to the Governor and the Legislature not later than February 1, 1954, setting forth therein, the most feasible plan for the permanent protection of the sea wall at Redondo Beach and the cost thereof. Report

SEC. 6. There is appropriated to the Governor, the sum of ten thousand dollars ($10,000) or so much thereof as is necessary, from the Postwar Unemployment and Construction Fund, to carry out the purposes of this act. Appropriation

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CHAPTER 1456

An act to amend Section 17717 of the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.] In effect immediately

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

SECTION 1. Section 17717 of the Revenue and Taxation Code is amended to read:

17717. Losses from sales or exchanges of capital assets shall be allowed only to the extent of two thousand dollars ($2,000) plus the gains from such sales or exchanges. Capital losses

However, in the case of a joint return by husband and wife, losses from sales or exchanges of capital assets shall be allowed only to the extent of four thousand dollars ($4,000) plus the gains from such sales or exchanges.

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. Operative dates

CHAPTER 1457

An act to amend Sections 739, 742 and 743.6 of the Vehicle Code, relating to procedure following arrest for violation of said code and local ordinances pertaining to traffic offenses.

In effect September 9, 1953

[Approved by Governor June 27, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Section 739 of the Vehicle Code is amended to read:

Traffic violation Notice to appear

739. When Person Arrested to Be Given Notice to Appear. (a) Whenever a person is arrested for any violation of this code, not declared herein to be a felony, or for a violation of an ordinance of a city, county, or city and county, relating to traffic offenses, and such person is not immediately taken before a magistrate as hereinbefore required or permitted, the arresting officer shall prepare in duplicate a written notice to appear in court or before a person authorized to receive a deposit of bail, containing the name and address of such person, the license number of his vehicle, if any, the offense charged and the time and place when and where such person shall appear.

(b) The time specified in said notice to appear must be at least five days after such arrest.

(c) The place specified in said notice to appear shall be either:

(1) Before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where said arrest is made; or

(2) Upon demand of the person arrested, before a municipal court judge or other magistrate having jurisdiction of such offense at the county seat of the county in which such offense is alleged to have been committed or before a magistrate in the judicial district in which the offense is alleged to have been committed.

(3) Before a person authorized to receive a deposit of bail. The clerk and deputy clerks of the municipal and justice's courts are persons authorized to receive bail in accordance with a schedule of bail approved by the judges of said courts.

(d) Said officer shall deliver one copy of said notice to appear to the arrested person and said arrested person in order to secure release must give his written promise so to appear in court or before a person authorized to receive a deposit of bail by signing the duplicate notice which shall be retained by said officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

(e) Said officer shall, as soon as practicable, file said duplicate notice with the magistrate or before a person authorized to receive a deposit of bail specified therein. If bail has not been

previously fixed and approved by the judges of the court in accordance with a schedule of bail, the magistrate shall fix the amount of bail which in his judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall endorse upon said notice a statement signed by him in the form set forth in Section 815a of the Penal Code. The defendant may, prior to the date upon which he promised to appear, deposit with the magistrate or the person authorized to receive a deposit of bail the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the city or county treasury, as the case may be.

(f) No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court or before a person authorized to receive a deposit of bail, unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

SEC. 2. Section 742 of the Vehicle Code is amended to read:

742. Violation of Promise to Appear. (a) Any person wilfully violating his written promise to appear in court or before a person authorized to receive a deposit of bail is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

Violation of promise to appear

(b) Whenever any person has for a period of 15 or more days wilfully violated his written promise to appear in court or before the person authorized to receive a deposit of bail, the magistrate or clerk of the court before whom the defendant so promised to appear shall give notice of such fact to the department not less than 10 nor more than 30 days after issuance of said warrant. Whenever thereafter the case in which such promise was given is adjudicated the magistrate or clerk of the court hearing such case must file with the department a certificate showing that said case has been adjudicated.

SEC. 3. Section 743.6 of the Vehicle Code is amended to read:

743.6. Procedure Upon Arrest Discretionary in Certain Cases. Whenever any person is arrested by any member of the California Highway Patrol for any violation of any state law regulating the operation of vehicles or the use of the highways declared to be a misdemeanor but which offense is not specified in this code, such person shall, in the judgment of the arresting officer, either be given a five-day notice to appear in the manner hereinbefore provided or be taken without unnecessary delay before a magistrate within the county in which the

Procedure upon arrest

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, upon demand of the person arrested, before a magistrate in the judicial district in which the offense is alleged to have been committed.

CHAPTER 1458

An act to add Sections 2401.5, 3301.5, 5051.2, 5051.5, and 5075.5 to the Penal Code and to repeal Sections 2404, 2520, and 2524 thereof, and to amend Sections 1001 and 18591 of the Government Code, relating to the State Correctional System.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Section 2401.5 is added to the Penal Code, to read:

Chief of Adult Paroles Division

2401.5. The Chief of the Division of Adult Paroles shall be appointed by the Adult Authority pursuant to the State Civil Service Act. The incumbent on July 1, 1953, who has held the position of Chief State Parole Officer continuously since January 1, 1953, shall be included under the provisions of Article XXIV of the Constitution and the term "state civil service" and shall be the Chief of the Division of Adult Paroles.

SEC. 2. Section 3301.5 is added to said code, to read:

Institution for Women Trustees

3301.5. Persons selected for appointment to the Board of Trustees of the California Institution for Women shall have a sympathetic interest in corrections work, and insofar as practicable have a broad background in and ability for appraisal of law offenders and the circumstances of the offense for which committed.

SEC. 3. Section 5051.2 is added to said code, to read:

Director of Corrections

5051.2. The Director of Corrections shall have wide and successful administrative experience in adult or youth correctional programs embodying rehabilitative concepts.

SEC. 4. Section 5051.5 is added to said code, to read:

5051.5. The Governor may request the State Personnel Board to use extensive recruitment and merit selection techniques and procedures to provide a list of persons qualified for appointment as Director of Corrections. The Governor may appoint any person from such list of qualified persons or may reject all names and appoint another person who meets the requirements of this chapter.

SEC. 5. Section 5075.5 is added to said code, to read:

Appointees to Adult Authority

5075.5. Persons appointed to the Adult Authority shall have a broad background in and ability for appraisal of law offenders and the circumstances of the offense for which convicted. Insofar as practicable members shall be selected who have a

varied and sympathetic interest in corrections work including persons widely experienced in the fields of corrections, sociology, law, law enforcement, and education.

SEC. 6. Section 1001 of the Government Code is amended to read:

Civil executive officers

1001. The civil executive officers are: a Governor; a private secretary and an executive secretary for the Governor; a Lieutenant Governor; a Secretary of State; a Deputy Secretary of State; a Keeper of Archives of State for Secretary of State; a bookkeeper for the Secretary of State; three recording clerks for the Secretary of State; a Controller; a Deputy Controller; a bookkeeper for the Controller; five clerks for the Controller; a Treasurer; a Deputy Treasurer; a bookkeeper for the Treasurer; a clerk for six months in each year for the Treasurer; an Attorney General and all assistant and deputy attorneys general; a Superintendent of Public Instruction; one clerk for the Superintendent of Public Instruction; an Insurance Commissioner; a deputy for the Insurance Commissioner; four port wardens for the Port of San Francisco; a port warden for each port of entry except San Francisco; three State Harbor Commissioners for San Francisco Harbor; six pilots for each harbor where there is no board of pilot commissioners; three members of the Board of Pilot Commissioners for Humboldt Bay and Bar; nine members of the State Board of Agriculture; four members of the State Board of Equalization; a clerk of the Board of Equalization; three members of the State Board of Education; a librarian for the Supreme Court Library and the chief deputy clerk and the deputy clerks of the Supreme Court; five directors for the insane asylum at Stockton; five directors for the insane asylum at Napa; the manager, executive secretary and an assistant secretary of State Compensation Insurance Fund; the head of each department and all chiefs of divisions, deputies and secretaries of a department, such other officers as fill offices created by or under the authority of charters or laws for the government of counties and cities or of the health, school, election, road, or revenue laws.

SEC. 7. Section 18591 of said code is amended to read:

"State civil service"

18591. The "state civil service" includes state officers and employees, appointed or employed by or under the Adult Authority or the Director of Corrections, and who are engaged exclusively in the administration or enforcement, or the performance or discharge, of the laws, rules or regulations, or the powers or duties thereunder, governing persons under commitment to the Department of Corrections or on parole from a state prison.

Repeals

SEC 10. Sections 2404, 2520, and 2524 of the Penal Code are repealed.

CHAPTER 1459

An act to amend Sections 1, 2, 5, 8, 9, and 16 of, and to add Section 8.1 to, the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945), relating to the Riverside County Flood Control and Water Conservation District.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Section 1 of the Riverside County Flood Control and Water Conservation District Act is amended to read:

Creation of Riverside District

Section 1. A flood control and water conservation district is hereby created to be called "Riverside County Flood Control and Water Conservation District," and the boundaries and territory of said district shall be as follows:

All the territory and area of the County of Riverside hereinafter particularly described and designated as Zone One to Zone Seven, inclusive.

SEC. 2. Section 2 of the Riverside County Flood Control and Water Conservation District Act is amended to read:

Zone division

Sec. 2. Said district is hereby divided into seven zones, which shall be numbered and denominated Zone One, Zone Two, Zone Three, Zone Four, Zone Five, Zone Six and Zone Seven.

SEC. 3. Section 5 of said act is amended to read:

Zone 3

Sec. 5. Zone Three shall comprise all that territory and area included within the following described boundaries:

Beginning at the intersection of the southerly line of Section 21, Township 5 South, Range 6 West, S. B. B. & M., and the westerly boundary of Riverside County;

Thence east on section lines, 7.5 miles—more or less, to the southeast corner of Sec. 22, T. 5 S., R. 5 W., S. B. B. & M., thence northeasterly in a straight line to the northeast corner of Sec. 13, T. 5 S., R. 5 W., S. B. B. & M.; thence east on section lines, 3 miles; thence south on section lines, 2 miles; thence east on the section line, 1 mile; thence south on the section line, 1 mile; thence west on the section line, ½ mile to the northwest corner of the E. ½ of Sec. 34, T. 5 S., R. 4 W., S. B. B. & M.;

Thence south on the half section lines, 2 miles to the southwest corner of the E. ½ of Sec. 3, T. 6 S., R. 4 W., S. B. B. & M.;

Thence east on section lines, 2½ miles to the southeast corner of Sec. 1, T. 6 S., R. 4 W., S. B. B. & M.;

Thence southerly along section lines to the southeast corner of Section 25, said township and range;

Thence westerly along section lines to a point on the northeasterly boundary of the map of Blocks K, L, and M, Elsinore, California, as filed in Book 4 page 174 of maps in the Office of the Recorder of San Diego County, California, said northeasterly boundary also being the northeasterly boundary of Rancho La Laguna;

Thence northwesterly along said northeasterly boundary line of map of Blocks K, L, and M to a point on the northwesterly line on Wesley Street, as shown on said map of Blocks K, L, and M;

Thence southwesterly along said northwesterly line of Wesley Street to a point on the northeasterly line of Palomar Street, as shown on said map of Blocks K, L, and M;

Thence northwesterly along said northeasterly line of Palomar Street and along the northeasterly line of Palomar Street, as shown on map of Sedco Tract No. 1, as filed in Book 10, pages 58 to 75 of maps in the Office of the Recorder of Riverside County, California, to a point on the southeasterly line of Corydon Street, as shown on said map of Blocks K, L, and M;

Thence southwesterly along said southeasterly line of Corydon Street and along the southwesterly prolongation thereof to a point on the northeasterly line of Lot 2, Block K, as shown on said map of Blocks K, L, and M;

Thence northwesterly along said northeasterly line of Lot 2 to the northwest corner thereof;

Thence southwesterly along the northwesterly line of said Lot 2 to the southwest corner thereof, said point being on the southwesterly boundary of Rancho La Laguna;

Thence northwesterly along said southwesterly boundary of Rancho La Laguna to a point on the easterly line of Section 29, Township 6 South, Range 4 West, S. B. B. & M.;

Thence southerly along section lines to a point on the northwesterly line of the Santa Rosa Rancho;

Thence southwesterly along said northwesterly line of Santa Rosa Rancho to a point on the southerly boundary of Riverside County;

Thence westerly and northerly along the boundary of Riverside County, in all its various courses, to the point of beginning.

SEC. 4. Section 8.1 is added to said act, to read:

Sec. 8.1. Zone Seven shall comprise all that territory and area included within the following described boundaries: Zone 7

Beginning at the southeast corner of Section 36, Township 8 South, Range 5 East, S. B. B. & M., said point being on the southerly boundary of Riverside County;

Thence westerly and northwesterly along said southerly boundary of Riverside County in all its various courses, to a point on the southerly line of Township 7 South, Range 5 West, S. B. B. & M., said point also being on the northwesterly boundary of the Santa Rosa Rancho;

Thence northeasterly along said northwesterly boundary of the Santa Rosa Rancho to a point on the easterly line of Section 5, Township 7 South, Range 4 West, S. B. B. & M.;

Thence northerly along section lines to a point on the southwesterly boundary of Rancho La Laguna;

Thence southeasterly along said southwesterly boundary of Rancho La Laguna to the southwest corner of Lot 2, Block K, as shown on map of Blocks K, L, and M, Elsinore, California,

as filed in Book 4, page 174 of Maps in the Office of the Recorder of San Diego County, California;

Thence northeasterly along the northwesterly line of said Lot 2 to the northwest corner thereof;

Thence southeasterly along the northeasterly line of said Lot 2 to a point of intersection with the southwesterly prolongation of the southeasterly line of Corydon Street, as shown on said map of Blocks K, L, and M;

Thence northeasterly along said southwesterly prolongation and along the southeasterly line of Corydon Street as shown on said map of Blocks K, L, and M, to a point on the northeasterly line of Palomar Street, as shown on map of Sedco Tract #1, as filed in Book 10, pages 58 to 75 of maps in the Office of the Recorder of Riverside County, California;

Thence southeasterly along said northeasterly line of Palomar Street and along the northeasterly line of Palomar Street, as shown on said map of Blocks K, L, and M to a point on the northwesterly line of Wesley Street, as shown on said map of Blocks K, L, and M;

Thence northeasterly along said northwesterly line of Wesley Street to a point on the northeasterly boundary of said map of Blocks K, L, and M, said point also being on the northeasterly boundary of Rancho La Laguna;

Thence southeasterly along said northeasterly boundary of Rancho La Laguna to a point on the southerly line of Section 27, Township 6 South, Range 4 West, S. B. B. & M.;

Thence easterly along section lines to the southwest corner of Section 30, Township 6 South, Range 3 West, S. B. B. & M.;

Thence northerly along the westerly line of said Section 30, to the northwest corner thereof;

Thence easterly along section lines to the northeast corner of Section 25, Township 6 South, Range 2 West, S. B. B. & M.;

Thence southerly along section lines to the southwest corner of Section 31, Township 6 South, Range 1 West, S. B. B. & M.;

Thence easterly along section lines to the southeast corner of Section 36, said township and range;

Thence northerly along the section lines to the northwest corner of Section 6, Township 7 South, Range 1 East, S. B. B. & M.;

Thence easterly along sections lines to the northeast corner of Section 1, Township 7 South, Range 3 East, S. B. B. & M.;

Thence southerly along the section line to the northwest corner of Section 6, Township 7 South, Range 4 East, S. B. B. & M.;

Thence easterly along section lines to the northeast corner of Section 1, said township and range;

Thence southerly along section lines to the northwest corner of Section 19, Township 7 South, Range 5 East, S. B. B. & M.;

Thence easterly along section lines to the northeast corner of Section 24, said township and range;

Thence southerly along section lines to the point of beginning.

SEC. 5. Section 9 of said act is amended to read:

Sec. 9. 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 said waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by retarding, spreading, storing, retaining and causing to percolate into the soil within said district, or without said 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 unlawful exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district. Purposes

Riverside County Flood Control and Water Conservation District is hereby declared to be a body corporate and politic and as such shall have power:

1. To have perpetual succession. Powers.

2. To adopt a seal and alter it at pleasure.

3. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

4. To acquire, by purchase, lease, construction or otherwise, or contract to acquire, lands, rights of way, easements, privileges and property of any kind, whether real, personal or mixed, and to construct, maintain and operate any and all works or improvements within or without the district necessary, convenient 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; to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers conferred by this act.

5. To take by grant, purchase, gift, devise or lease, or otherwise, to hold, use, enjoy and to lease or dispose of real, personal or mixed property of every kind within or without the district necessary or convenient to the full exercise of its powers, and to lease its property to public agencies, or to grant any interest therein to public agencies, which lease or grant does not interfere with the use of the property for the purposes of the district.

6. To incur indebtedness, and to issue bonds in the manner herein provided. Bonds

7. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or a zone or zones thereof; 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 the district, same for any useful purpose to the district; to commence, main- Water storage, etc

tain, 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 water 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 cost and expenses of any and all actions and proceedings hereafter begun; 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 the said district shall not have the 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 or away from the district.

Flood control

8. 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 retarding, spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save and 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; provided, that water rights now existing be not thereby infringed upon.

Eminent domain

9. 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 provisions 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 injury or detriment of any person, or persons, having any interest in such river, creek, stream, irrigation system, canal or ditch, or

the waters thereof or therein, unless compensation be first ascertained and paid therefor, under the laws of this State authorizing the taking of private property for public use; and provided further, that no right shall exist in behalf of said district to take by condemnation any property, including water rights, that is now devoted to beneficial use in Orange County; nor to take by condemnation any water rights or property necessary for exercising said water rights that are now devoted to beneficial use, or are now in the process of being devoted to beneficial use in Orange County, within an area along and adjacent to the trunk channel of the Santa Ana River extending from the easterly boundary of Orange County to the Jurupa Narrows and lying between the bluffs on either side of said river, but excluding therefrom any part of the Corona underground water basin as said basin is defined in that certain action in the Superior Court of the State of California, in and for the County of Riverside, numbered 22046, and entitled the Corona Foothill Lemon Company, a corporation, et al. vs. Charles E. Lillibridge, et al.

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 with 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 the fee simple or any lesser estate or interest in such property, as the case may be, is necessary. Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for flood 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.

10 To enter upon any land, to make surveys and locate the necessary works of improvement and the lines of channels, conduits, canals, pipelines, 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, whether in this or in another state, 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, power plants, franchises, concessions or rights; to enter into and to do any and all 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, dis-

position, 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 Riverside 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 any owner or lessee the right to the use of any water or the 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 to 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 Riverside County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other 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 such works, acts, or purpose provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose as authorized herein.

Levy taxes

11. 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.

Investigations etc

12. 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.

Artificial nucleation

13. To carry on a program of artificial nucleation for the purpose of increasing and controlling rainfall within, or in the immediate vicinity of, any watershed located wholly or partially within the district.

The total amount of taxes levied for the purpose of carrying on any program under this subdivision shall not be in excess of five cents ($0.05) for each one hundred dollars ($100) of assessed valuation of the taxable property within the district, nor in any event shall the district spend more than a total of

five thousand dollars ($5,000) annually for the purpose of carrying on any program under this subdivision.

The authority of the district to carry on any program under this subdivision shall terminate on October 1, 1955.

14. 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. 6. Section 8 of the Riverside County Flood Control and Water Conservation District Act is amended to read:

Sec. 8. Zone Six shall comprise all that territory and area included within the following described boundaries: Zone 6

Beginning at the northeast corner of Sec. 3, T. 2 S., R. 6 E., S. B. B. & M.;

Thence south on section lines 2 miles to the section corner;

Thence east on section lines 2 miles to the southeast corner of Sec. 12, T. 2 S., R. 6 E., S. B. B. & M.;

Thence north to the southwest corner of Sec. 7, T. 2 S., R. 7 E., S. B. B. & M.;

Thence east on section lines 4 miles to the section corner;

Thence south on section lines 3 miles to the section corner;

Thence east on section lines 2 miles to the section corner;

Thence south on section lines 2 miles to the southwest corner of Sec. 6, T. 3 S., R. 8 E., S. B. B. & M.;

Thence east on section lines 2 miles to the section corner;

Thence south on section lines 2 miles to the section corner;

Thence east on section lines 3 miles to the section corner;

Thence south on section lines 2 miles to the southeast corner of Sec. 26, T. 3 S., R. 8 E., S. B. B. & M.;

Thence west on section lines 3 miles to the section corner;

Thence south on the section line 1 mile to the southeast corner of Sec. 32, T. 3 S., R. 8 E., S. B. B. & M.;

Thence west on section lines 14 miles to the northwest corner of Sec. 6, T. 4 S., R. 6 E., S. B. B. & M.;

Thence south on section line 1 mile to the section corner;

Thence west on section lines 2 miles to the section corner;

Thence north on the section line ½ mile to the northeast corner of the S-½ of Sec. 3, T. 4 S., R. 5 E., S. B. B. & M.;

Thence west on the north boundary of said S-½ of Sec. 3, 1 mile to the northwest corner thereof;

Thence north on the section line ½ mile to the northwest corner of said Section 3;

Thence west on the section line ½ mile to the southeast corner of the SW-¼ of Sec. 33, T. 3 S., R. 5 E., S. B. B. & M.;

Thence north ½ mile to the northeast corner of said SW-¼;

Thence west ½ mile to the northwest corner of said SW-¼;

Thence north on the section line ½ mile to the northwest corner of said Sec. 33;

Thence west on the section line 1 mile to the section corner;

Thence north on the section line 1 mile to the section corner;

Thence west on section lines 2 miles to the section corner;

Thence north on the section line 1 mile to the section corner;

Thence west on section lines 5 miles to the northwest corner of Sec. 19, T. 3 S., R. 4 E., S. B. B. & M.;

Thence south on section lines 1½ miles to the west ¼ section corner of Section 30, said township and range;

Thence easterly along the east and west ¼ section line of said Section 30 to the east ¼ section corner thereof;

Thence southerly along the easterly line of said Section 30 to the southeast corner thereof;

Thence easterly along the section line to the north ¼ section corner of Section 32, said township and range;

Thence southerly along the north and south ¼ section line of said Section 32 to the center of said Section 32;

Thence easterly along the east and west ¼ section line of said Section 32 to the east ¼ section corner thereof;

Thence southerly along the easterly line of said Section 32 to the southeast corner thereof;

Thence easterly along section lines 2 miles to the northeast corner of Section 3, Township 4 South, Range 4 East, S. B. B. & M.;

Thence southerly along the easterly line of said Section 3 to the southeast corner thereof;

Thence easterly along the northerly line of Section 11, said township and range to the northeast corner thereof;

Thence southerly along the easterly line of said Section 11 to the southeast corner thereof;

Thence easterly along section lines 2 miles to the northeast corner of Section 18, Township 4 South, Range 5 East, S B B & M.;

Thence southerly along section lines 3 miles to the southeast corner of Section 30, said township and range;

Thence easterly along section lines 1¾ miles to the northeast corner of the northwest ¼ of the northeast ¼ of Section 33, said township and range;

Thence southerly along the easterly line of said northwest ¼ of the northeast ¼ of Section 33 to the southeast corner thereof;

Thence easterly along the northerly line of the southeast ¼ of the northeast ¼ of said Section 33 to the northeast corner thereof;

Thence southerly along the easterly line of said Section 33 to the southeast corner thereof;

Thence west along the township line to the northwest corner of Sec. 3, T. 5 S., R. 5 E., S. B. B. & M.;

Thence south along section lines, 12 miles to the southwest corner of Sec. 34, T 6 S., R. 5 E., S. B. B. & M.;

Thence west along the township line to the northwest corner of Sec. 3, T. 7 S., R. 5 E., S. B B. & M.;

Thence south on section lines, 3 miles to the southwest corner of Sec. 15, T. 7 S , R. 5 E., S. B. B. & M.;

Thence west along section lines. 3 miles—more or less, to the southwest corner of Sec 18 of said T. 7 S., R. 5 E., S. B. B. & M.;

Thence north on section lines, 3 miles to the northeast corner of Sec. 1, T. 7 S., R. 4 E., S. B. B. & M.; thence west on

section lines to the southwest corner of Sec. 31, T. 6 S., R. 4 E., S B. B. & M.;

Thence north on section lines, 12 miles to the southeast corner of Sec. 36, T. 4 S., R. 3 E., S. B. B. & M.;

Thence west on section lines, 4 miles to the section corner;

Thence north on section lines, 4 miles to the section corner;

Thence west on section lines, 4 miles to the southwest corner of Sec. 11, T. 4 S., R. 2 E., S. B. B. & M.;

Thence north on section lines, 14 miles to a point on the northerly boundary of the County of Riverside at the northwest corner of Sec. 2, T. 2 S., R. 2 E., S. B. B. & M.;

Thence east on the northerly boundary of Riverside County, 24 miles to the point of beginning.

SEC. 7. Section 16 of said act is amended to read:

Zone commissioner

Sec. 16. The office of zone commissioner in the Riverside County Flood Control and Water Conservation District is hereby created. In each of the separate zones constituting said district, there shall be three zone commissioners, who shall be appointed by the board of supervisors of said district. The term of office for a zone commissioner shall be six (6) years, except that the terms of office of zone commissioners first appointed in any zone shall immediately be determined by them by lot, so that their respective terms shall expire on the first day of November of the first, second and third odd-numbered calendar years which begin after the date of their appointment.

No person shall be appointed to the office of zone commissioner unless said person is a citizen of the United States of America, of the State of California, over the age of 21 years and resides within the zone for which he is appointed. Should a zone commissioner cease to reside in the zone for which he was appointed, either through change of his residence or change of boundaries of the zone, his office shall thereupon be vacant. The zone commissioners of said district shall have the right and privilege to attend all regular and special meetings of the board of supervisors of said district, in their official capacity as such zone commissioners, and the approval of a majority of the zone commissioners of said district shall be a precedent condition to the acquisition of or disposal by the district of any water right through the medium of any instrument or agreement in writing. All zone commissioners shall serve without compensation unless otherwise fixed and determined by ordinance enacted by the board of supervisors of said district. In the event of a vacancy occurring in the office of zone commissioner said vacancy shall be filled by appointment by the said board of supervisors for the unexpired portion of the term in which said vacancy exists.

CHAPTER 1460

An act to amend Sections 2, 20.5, 28 and 36 of the Water Conservation Act of 1931, relating to districts formed under said act.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Section 2 of the Water Conservation Act of 1931 is amended to read as follows:

Powers of water conservation district

Sec. 2. Powers of District. Any water conservation district organized and established as herein provided shall have power:

1. To have perpetual succession;

General

2. 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;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, appropriations, purchase, gift, devise, condemnation, or lease, and to hold, use, enjoy, and to lease or dispose of, real and personal property of every kind, within or without the district, necessary to the full exercise of its powers and to the accomplishment of the purposes of this act;

Conservation of water

5. (Conservation of water.) 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 and reservoir sites, canals, ditches and conduits, and constructing dams and reservoirs for the storage of water and by spreading and sinking water, to build, construct, or acquire the necessary dams, dam sites, reservoirs and 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 sell, deliver, distribute or otherwise dispose of any water that may be stored or appropriated, owned or controlled by the district; to drill, construct, install and operate wells, pumps, pipelines, conduits, valves, gates, meters, and other appurtenances to such wells, pipelines and conduits, and to pump water therefrom and thereby for sale, delivery, distribution or other disposition; to fix the rates at which water may be sold by the district; provided, however, that rates shall be uniform for like classes of service throughout the district; 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 purposes 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 streams or unnavigable river, or

rivers, including the natural subterranean supply of water 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;

Recreational facilities

6. (Recreational facilities.) To acquire, construct, maintain and operate recreational facilities in connection with any dams, reservoirs or other works owned or controlled by the district and to fix and assess reasonable charges for the use of the same by members of the public, and to deposit any funds collected thereby with the county treasurer to the credit of the district as provided in Section 33 of this act.

Dissemination of information

7. (Dissemination of information.) (Expenditures for purposes of dissemination.) To have the power and right to disseminate information concerning the rights, properties, activities, plans, and proposals of the district; provided, however, that expenditures during any fiscal year for such purposes shall not exceed three cents ($0.03) for each one hundred dollars ($100) of assessed valuation of such district.

Eminent domain

8. (Right of eminent domain.) 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 dams, dam sites, reservoirs, reservoir sites, canals, ditches and conduits, spreading basins, sinking wells or sinking basins, or otherwise necessary to accomplish the purposes of this act, or to operate or to make use of the same, but the right of eminent domain shall not extend to any property used for, or dedicated to cemetery purposes.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may acquire by condemnation or agreement real property adjacent thereto or in the immediate vicinity thereof to be exchanged for real property so required by the district.

Bonds and assessments

9. To vote bonds, cause assessments to be levied, cause elections to be held for the voting of bonds, or on the question of special assessments, and if said special assessments are voted, to cause the same to be levied, as herein provided, for the purpose of paying any obligation of the district, and for the purpose of raising money to further accomplish the purposes of this act in the manner herein provided;

10. To make contracts, to employ labor, and to do all acts necessary for the full exercise of the powers herein granted.

SEC. 2. Section 20.5 of the Water Conservation Act of 1931 is amended to read:

Contracts with United States

Sec. 20.5. Any water conservation district heretofore or hereafter organized is authorized and empowered to cooperate and contract with the United States either under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or under any other act of

Congress heretofore or hereafter enacted authorizing or permitting such cooperation or contract, for purposes of acquisition and/or construction of works authorized by this act to be acquired or constructed, or for a water supply, or for the acquisition and/or disposal of water and/or water rights and/or water storage or conservation facilities and rights, and any interest in such water, water rights, or water storage or conservation facilities, or the acquisition or construction of works for any useful purpose, or for any or all thereof, or for the investigation, study, or preparation of proposals or plans for any or all thereof, or to obligate the district to repay to the United States advances of funds made by the United States to the district for any or all thereof, or for the assumption as principal or guarantor of indebtedness to the United States, and to carry out and perform the terms of any contract so made.

"United States"

The term "United States" as used in this act shall include besides the United States, any board, bureau, agency, office or officers, department or corporation of the United States.

The board of directors shall generally perform all such acts as shall be necessary to exercise the authority conferred by this section, except that if the issuance of bonds of the district is necessary for such purposes, the said bonds shall be voted upon and issued in the manner provided in this act for the incurring of bonded indebtedness of the district.

In case any contract is made with the United States, bonds of the district which have been authorized, or which may be authorized, in furtherance of said contract, may be transferred to or deposited with the United States, at not less than their par value, to the amount or any part thereof to be paid by the district to the United States, and interest or principal, or both, of said bonds may be legally paid to the United States and applied as provided in the contract. The board of directors may accept on behalf of the district appointment of the district as fiscal agent of the United States, or authorization of the district by the United States to make collection of money for, and on behalf of, the United States, and to assume the duties and liabilities incidental thereto, and the said board shall have full power to do any and all things required by the federal statutes now or hereafter enacted in connection therewith, and all things required by any rules or regulations now or hereafter established under any said federal statutes.

Where a contract shall have been entered into between the district and the United States, the contract may provide that the district shall not be dissolved nor shall the boundaries be changed except upon the written consent of an official of the United States filed with the official records of the district. If such consent be given and the lands excluded the area excluded shall be free from all liens and charges for payments to become due to the United States under any such contract.

As whole or partial consideration for any privileges obtained by the district under any contract with the United States, any rights of way or rights to water or to the property owned or

acquired by the district may be conveyed by the board of directors to the United States insofar as the same may be needed for the construction, operation and maintenance of works by the United States for the benefit of the district, pursuant to such contract.

SEC. 3. Section 28 of the Water Conservation Act of 1931 is amended to read:

Estimate of expenses

Sec. 28. The board of directors must, on or before the fifteenth day of August of each year, furnish the board of 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 auditors 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. This amount must be sufficient to raise a sum of money which shall be sufficient to pay the incidental expenses of the district, and the costs of the work of spreading and sinking waters which the board of directors may deem advisable to be done during the ensuing year; the estimated costs of repairs to and maintenance of any property or works of the district, the amount of any indebtedness of the district currently due or to become due in the next fiscal year, the estimated amount necessary for the payment of the costs of any action or proceeding which may be taken by the district, including the cost of employment of attorneys and engineers; and if bonds have been voted by the district the board of directors shall include in said estimate an amount sufficient to pay the interest due or that will become due on all outstanding bonds of the district on the first day of the next ensuing January, and the first day of the next ensuing July, or that the board of directors believes will become due on either or both of said dates on bonds authorized but not sold; also sufficient to pay the principal of all bonds of the district that have matured or that will mature before the close of the next ensuing calendar year; and also if said district shall have voted a special assessment as provided in Section 35 hereof, the board shall include in said estimate the amount of the installment of said special assessment to be levied each year; and such estimate may also include such an amount as the board of directors may deem advisable to expend in the acquisition or construction of settling basins, wells, dams, reservoirs and other works for the storing, spreading and sinking of waters, together with canals, ditches, conduits and necessary rights of way for use of all such works; provided, however, that if at the time of making said estimates herein referred to the district shall not have voted a special assessment as provided for in Section 35 hereof and said district shall not have voted bonds as in this act provided, then the assessment levied during any year for the raising of said funds shall not exceed two and one-half (2½) mills on each one hundred cents ($1) of the assessed values of the lands within the district, according to the last assessment rolls, but if a special assessment has been voted or if bonds have been

voted by the district then the assessment for the payment thereof shall be in excess of the two and one-half ($2\frac{1}{2}$) mills on each one hundred cents ($1) of the assessed values of the lands within the district.

SEC. 4. Section 36 of the Water Conservation Act of 1931 is amended to read:

Bonded indebtedness

Sec. 36. The district may incur a bonded indebtedness for any purpose for which the board of directors is authorized to expend the funds of the district in the manner in this act set forth, including any works, property or rights, contract or otherwise, acquired under or pursuant to the provisions of Sections 20, 20.5, 20.6, and 20.7 of this act, or the refunding of any obligations incurred pursuant to said sections of this act.

Report

The board of directors, whenever the interest of the district shall require, may cause a report to be made to the effect that the acquisition of certain property or works or the construction of such works is convenient or necessary to serve or fulfill the purpose for which the district exists and that the cost of such property or works cannot be paid for out of the annual revenue of the district. Such report shall be in such detail and be accompanied by such exhibits as will disclose the purpose sought to be accomplished and the means to be employed therefor. Such report shall be printed in convenient form for distribution to the electors of the district.

Election

After the printing of said report the board of directors by resolution adopted by a majority of the members of the board may call an election to be held in the district for the purpose of authorizing the incurring of a bonded indebtedness by the district. Such resolution shall specify the purpose for which the indebtedness is to be incurred, the amount of bonds which it is proposed shall be issued, the maximum rate of interest such bonds shall bear, and the number of years, not exceeding 40, the whole or any part of said bonds are to run until maturity. It shall further provide for submitting the question of the incurring of such indebtedness to the qualified electors of the district at an election called for that purpose, and the words to appear upon the ballot shall be "Bonds—Yes," and "Bonds—No," or words of similar import, together with a general statement of the amount and purpose of the bonds to be issued. Several propositions may be submitted at the same election. None but qualified electors of the district shall be permitted to vote at such election.

A notice shall be given of such election by publication in a newspaper of general circulation published in the district once a week for at least three weeks if published in a weekly or semi-weekly newspaper or for at least 10 days if published in a daily newspaper and the first publication shall be at least 30 days prior to the date fixed for the election.

Notice

Such notice shall state the time and place for holding the election, the names or numbers of election precincts, which may be the general election precincts established by the boards of supervisors for general state or county elections, or a consolidation of

such precincts, or such other special precincts for the purpose of such bond election as the board of directors of such water conservation district may designate and establish, the location of the polling places and the names of the election officers appointed to conduct such election. Such notice shall also state the amount of the debt that it is proposed to incur, a brief statement of the purpose thereof and refer to the report hereinbefore provided to be made for further particulars the number of years the bonds or any part thereof are to run before the maturity thereof and the maximum rate of interest such bonds shall bear.

The manner of holding and conducting such election, the selection of officers to conduct the same, the designation of precincts and polling places, the preparation of ballots and the receipt, counting and return of the same, and the canvassing and determining the results thereof shall be as provided for the election of directors as provided in this act as nearly as practicable, and in particulars not so provided shall be in accordance with the general laws of the State relative to elections whereat propositions are submitted and voted upon. In the event that such election has been fairly held and conducted, no informality nor omission to perform a prescribed duty shall be held to invalidate or affect the legality of any bonded debt authorized to be incurred.

If two-thirds of the votes cast upon the proposition shall have been marked and counted "Bonds—Yes" or appear to favor the proposition submitted, then such proposition shall be deemed to have been accepted by the voters and to authorize the incurring of a bonded debt and the issuance of bonds therefor to the amount of and for the purpose stated in the proposition.

Issuance

Thereafter the board of directors of the district may issue the bonds of the district for the whole or any part of the amount of the indebtedness so authorized, and may, from time to time, provide for the issuance of such amounts as the necessity therefor shall appear, until the full amount of such bonds authorized shall have been issued. Each separate issue shall be given a serial number or letter.

Form, etc.

The board of directors shall, by a resolution adopted by a majority of its members, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment may be deferred for a period not longer than five years from the date of the bond. The bonds shall bear interest at a rate not exceeding 6 per centum per annum, payable semiannually. The board of directors may also provide for redemption of bonds before maturity at prices determined by it. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars ($100) nor more than one thousand dollars ($1,000). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the

county or such other place as may be designated or at either place at the option of the holder of the bond.

Sale

The bonds shall be dated, numbered consecutively, and be signed by the president of the district and attested by the secretary with the official seal of the district. The interest coupons shall bear the actual or facsimile signature of the president of the district.

The bonds as the same shall be issued may be sold at such times and in such amounts as the board of directors shall deem expedient, after a notice inviting bids therefor shall have been given by publication in a newspaper of general circulation published in the district for a period of at least 10 days prior to such sale A certified check payable to the district for at least 5 percent of the amount of the bonds offered shall accompany each bid conditioned that the bidder will accept and pay for the bonds bid for if awarded to him, otherwise such check shall be forfeited to the district and the amount thereof paid into the treasury. In case no bids are received the bonds offered may be sold at private sale.

Proceeds

The proceeds arising from the sale of bonds shall be paid into the treasury of the district and placed to the credit of a special fund and expended only for the purpose for which the indebtedness was created.

Assessment tax

It shall be the duty of the board of supervisors of the county or counties within which the district is situated to provide for the levy and collection of an assessment tax upon the lands within the district as in this act provided sufficient and in season to pay any installment of principal and all interest on the bonds that may become due during the year following the levy of such assessment tax.

Certification

At any time the board of directors may apply to the commission authorized by law to approve bonds of irrigation and other districts for certification as legal investments for savings banks or for other purposes specified in the act creating such commission and when such certification shall have been given, the bonds of the district shall be acceptable for investment and surety purposes to the same extent as are county or municipal bonds.

CHAPTER 1461

An act to amend Section 419 of the Education Code, relating to salary of the Superintendent of Schools of a county of the nineteenth class.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Section 419 of the Education Code is amended to read:

419. The annual salary of the county superintendent of schools of a county of the nineteenth class is nine thousand dollars ($9,000), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

Solano County School Superintendent's salary

CHAPTER 1462

An act to amend Section 69648 of the Government Code, relating to the salary of the Judge of the Superior Court in and for Del Norte County.

[Approved by Governor June 29, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 69648 of the Government Code is amended to read:

69648. The annual salary of the Judge of the Superior Court of the County of Del Norte is eleven thousand five hundred twenty-seven dollars ($11,527).

Del Norte County Judge's salary

CHAPTER 1463

An act to amend Section 27518 of the Water Code, relating to the distribution of assets in the dissolution of irrigation districts.

[Approved by Governor June 29, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 27518 of the Water Code is amended to read:

27518. Whenever all the obligations of the district, if any, have been discharged, the balance of the money of the district shall be distributed periodically as money is realized from the sale of the assets of the district to the assessment payers in the district upon the last assessment book in the proportion in which each has contributed to the total amount of the last assessment levied. Such periodic distributions shall be made upon order of the board of supervisors when in its opinion there are sufficient funds on hand for such a partial distribution. The distribution shall be made by the county officials designated by the board. After the final distribution is made of all property of the district, the court shall enter a final decree declaring the district to be dissolved.

Distribution of dissolved irrigation district's assets

CHAPTER 1464

An act to amend Sections 68805 and 69101 of the Government Code, relating to compensation of justices of the Supreme Court and the district courts of appeal.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Section 68805 of the Government Code is amended to read:

Supreme Court salaries. Chief Justice

Associate justice

68805. The annual salary of the Chief Justice of the Supreme Court is twenty-one thousand five hundred dollars ($21,500) and the annual salary of each associate justice of the Supreme Court is twenty-one thousand dollars ($21,000). Such salaries shall be payable monthly by the State.

SEC. 2. Section 69101 of said code is amended to read:

District court salaries. Presiding justice

Associate justice

69101. The annual salary of each presiding justice of the district courts of appeal is nineteen thousand five hundred dollars ($19,500) and the annual salary of each associate justice of the district courts of appeal is nineteen thousand dollars ($19,000). Such salaries shall be payable monthly by the State.

CHAPTER 1465

An act to amend Sections 23750 and 23770 of the Water Code, relating to irrigation districts.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Section 23750 of the Water Code is amended to read:

Improvement district formation procedure

23750. This chapter provides an alternative procedure for forming an improvement district within a district for the purpose of the construction of improvements in it, or the acquisition, installation, replacement, or extension of existing works for the production and distribution of water, or any number of these if the cost thereof will not exceed the sum of fifty thousand dollars ($50,000) and the area of the land to be included in the improvement district does not exceed 1,000 acres.

SEC. 2. Section 23770 of the Water Code is amended to read:

Hearing

23770. If the cost of the improvements does not require a special assessment in excess of a total of fifty dollars ($50) per acre over an area to be improved not in excess of 1,000 acres, the board may by resolution set a time for a hearing on whether or not to form the improvement district.

CHAPTER 1466

An act to add Sections 50022.1 to 50022.8, inclusive, to, and to repeal Sections 36970, 36971, 36972 and 50022 of, the Government Code, relating to the enactment of codes by local agencies.

[Approved by Governor June 29, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 50022.1 is added to the Government Code, to read:

Definitions

50022.1. (a) "Code," as used in this article, means any published compilation of statutes, ordinances, rules, regulations or standards adopted by the Federal Government or the State of California, or by any agency of either of them. It shall include any codification or compilation of existing ordinances of the adopting local agency. The application of this article to published compilations of any private organization or institution which has been in existence for a period of at least five years shall be limited to codes approved for adoption by reference by the Attorney General of the State of California.

(b) "Primary code," as used in this article, means any code which is directly adopted by reference, in whole or in part, by any ordinance passed pursuant to this article.

(c) "Secondary code," as used in this article, means any code which is incorporated by reference, directly or indirectly, in whole or in part, in any primary code or in any secondary code.

(d) "Published," as used in this article, means issued in printed, lithographed, multigraphed, mimeographed or similar form.

SEC. 2. Section 50022.2 is added to said code, to read:

Adopting ordinances

50022.2. Provided that all the procedures and requirements of this article are complied with, any local agency is hereby authorized to enact any ordinance which adopts any code by reference, in whole or in part; and such primary code, thus adopted, may in turn adopt by reference, in whole or in part, any secondary codes duly described therein. However, every primary code and every secondary code which is incorporated in any such adopting ordinance shall be specified in the title of the ordinance; provided, that the title of an ordinance adopting existing ordinances of an adopting agency as a code need not specify secondary codes.

SEC. 3. Section 50022.3 is added to said code, to read:

Notice and hearing

50022.3. After the first reading of the adopting ordinance and of the code to be adopted thereby, and of any secondary codes therein adopted by reference, the legislative body shall schedule a public hearing thereon. Notice of the hearing shall be published twice in a newspaper of general circulation in or nearest to the adopting local agency: once at least eight days preceding the hearing, and once at least 15 days preceding it.

If there is no such newspaper in the county the notice shall be posted in the same manner as provided for the posting of a proposed ordinance. The notice shall state the time and place of the hearing. It shall also state that copies of the primary code and also copies of the secondary codes, if any, being considered for adoption, are on file with the clerk of the legislative body, and are open to public inspection The notice shall also contain a description which the legislative body deems sufficient to give notice to interested persons of the purpose of the code, and of any secondary code or codes incorporated therein by reference. the subject matter of each such code, the name and address of the agency by which each has been promulgated, and the date of publication of each.

SEC. 4. Section 50022.4 is added to said code, to read:

Penalty clauses

50022 4. After the hearing, the legislative body may amend, adopt or reject the adopting ordinance in the same manner in which it is empowered to act in the case of other ordinances; and, except as to the adoption of a code of existing ordinances of the adopting agency, nothing in this article shall be deemed to permit the adoption by reference of any penalty clauses which may appear in any code which is adopted by reference. Any such penalty clauses may be enacted only if set forth in full, and published, in the adopting ordinance It is further provided that all changes or additions to any code made by the legislative body shall be published in the manner which is required for ordinances.

SEC. 5. Section 50022.5 is added to said code, to read:

Publication

50022.5. Nothing contained in this statute shall be deemed to relieve any local agency from the requirement of publishing in full the ordinance which adopts any such code; and all provisions applicable to such publication shall be fully carried out. The adopting ordinance shall contain the same description of the primary adopted code and of each secondary code incorporated therein by reference, as required in the notice of hearing in this article.

SEC. 6. Section 50022.6 is added to said code, to read:

Filing

50022.6. Not less than three copies of each primary code adopted by reference, and of each secondary code pertaining thereto, all certified to be true copies by the clerk of the legislative body, shall be filed in the office of the clerk of the legislative body at least 15 days preceding the hearing, and shall be kept there for public inspection while the ordinance is in force; provided, that after the adoption of the code by reference, one of these copies of the primary code and of each secondary code may be kept in the office of the chief enforcement officer instead of in the office of the clerk of the legislative body. Following the adoption of any code, the clerk of the legislative body shall at all times maintain a reasonable supply of copies of the primary code and of any secondary codes incorporated in it by reference, available for purchase by the public at a moderate price, not to exceed the actual cost thereof to the adopting local agency

SEC. 7. Section 50022.7 is added to said code, to read:

50022.7. If at any time any code which any local agency has previously adopted by reference, shall be amended by the agency which originally promulgated or adopted it, then the legislative body may adopt such amendment or amended code by reference through the same procedure as required for the adoption of the original code; or an ordinance may be enacted in regular manner, setting forth the entire text of such amendment. Amendment

SEC. 8. Section 50022.8 is added to said code, to read:

50022.8. Copies of such codes in published form, duly certified by the clerk of the legislative body, shall be received without further proof as prima facie evidence of the provisions of such codes or public records in all courts and administrative tribunals of this State. Evidence

SEC. 9. Sections 36970, 36971, 36972 and 50022 of said code are repealed.

CHAPTER 1467

An act to add Section 405 to the Business and Professions Code, relating to buildings of the Department of Professional and Vocational Standards and making an appropriation, to take effect immediately.

[Approved by Governor June 29, 1953. Filed with Secretary of State June 29, 1953.] In effect immediately

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

SECTION 1. Section 405 is added to the Business and Professions Code, to read:

405. Rentals received under Section 403 shall be deposited in and disbursed pursuant to said section from the Professional and Vocational Standards Fund. On July 1, 1953, the unexpended balance of any such rentals on deposit in the Special Deposit Fund shall, on order of the State Controller, be transferred to the Professional and Vocational Standards Fund. Disposition of rentals

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

SEC. 3. This act shall become operative on July 1, 1953. Operative date

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CHAPTER 1468

An act to add Section 21253.15 to the Government Code, relating to the State Employees' Retirement System in respect to state service credit to state college teachers for junior college teaching service.

[Approved by Governor June 29, 1953. Filed with Secretary of State June 29, 1953.] In effect September 9, 1953

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

SECTION 1. Section 21253.15 is added to the Government Code, to read:

Credit for junior college service

21253.15. Any member who is entitled to credit for service as an instructor or in any teaching capacity in any state college and who, within the six months immediately preceding such service in the state college, or any portion thereof, was employed as an instructor or teacher of junior college students in service performed pursuant to the provisions of a contract between the state college and a school district or junior college district relating to instruction service, for which junior college service he was remunerated by the school district or junior college district, is entitled to have such junior college service rendered prior to January 1, 1932, credited to him as prior service, and to have such junior college service rendered after January 1, 1932, credited to him as current service, if, not later than 90 days after notice of his right to do so is mailed by this system to the office, department, or contracting agency by which the member currently is employed or to the member's latest address on file in the office of this system, the member elects to pay, and thereafter pays, into the Retirement Fund, at times, in amounts, and in a manner fixed by the board, the contributions he would have made if he had been in state service during the period of such junior college service subsequent to January 1, 1932, based upon the salary he actually received during the time he was in such junior college service, plus the interest that would have been credited to his account if such contributions had been made monthly during the time the junior college service was rendered.

CHAPTER 1469

An act to add Section 20930.5 to, and to amend Section 20931 of, the Government Code, relating to the State Employees' Retirement System in respect to credit for service to local public agencies.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 29, 1953.]

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

SECTION 1. Section 20930.5 is added to the Government Code, to read:

"Local service"

20930.5. As used in this article, "local service" also means service rendered as an officer or employee of a public agency for which service the officer or employee received compensation from the public agency, and with respect to which he is not entitled to receive credit in any retirement system supported wholly or in part by public funds after he becomes a member of this system.

SEC. 2. Section 20931 of said code is amended to read:

Retirement credit for local service

20931. Any state member of this system who was in local service before entering state service has the right to elect, by written election filed with the board at any time prior to October 1, 1954, to make contributions pursuant to Section 20932 for,

and to receive credit in this system as state service for, all or any part of the time he was in local service. However, a member shall not receive credit as state service for any portion of his local service constituting prior service unless he has elected to make, and has made, contributions pursuant to Section 20932 for all of his local service constituting current service.

The right of election granted by this section expires on October 1, 1954. Elections filed with the board prior to that date entitle the members making them to complete payment of contributions and receive credit for service as provided in this article, but no member has the right to make any such election on or after that date.

Operative date

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.

CHAPTER 1470

An act to add Sections 20750.11, 20750.21, 20750.31, 20750.41, and 21367.51 to the Government Code, relating to death benefits under the State Retirement System.

[Approved by Governor June 29, 1953. Filed with Secretary of State June 29, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 21367.51 is added to the Government Code, to read:

Death benefits after retirement

21367.51. Upon the death of any person, after retirement and while receiving a retirement allowance from this system, there shall be paid to his estate or to such beneficiary as he shall nominate by written designation duly executed and filed with the board, the sum of four hundred dollars ($400), to be provided from contributions by the State or contracting agency, as the case may be.

The section shall supersede the provisions of Section 21367.5 as to the retired employees of the State and as to the retired employees of any contracting agency which has elected to be subject to the provisions of this section.

This section shall not apply to the retired employees of any contracting agency nor to any such agency unless and until the contracting agency elects to be subject to its provisions by amendment to its contract with the board, made as provided in Section 20461.5, 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.

State's contribution Miscellaneous members

SEC. 2. Section 20750.11 is added to said code, to read:

20750.11. The State's contribution to the Retirement Fund in respect to state miscellaneous members provided by any and

all other provisions of this chapter is increased by a sum equal to six one-hundredths (0.06) of 1 percent of the compensation paid state miscellaneous members.

SEC. 3. Section 20750.21 is added to said code, to read:

Patrol members

20750.21. The State's contribution to the Retirement Fund in respect to state patrol members provided by any and all other provisions of this chapter is increased by a sum equal to nine one-hundredths (0.09) of 1 percent of the compensation paid state patrol members.

SEC. 4. Section 20750.31 is added to said code, to read:

Forestry members

20750.31. The State's contribution to the Retirement Fund in respect to forestry members provided by any and all other provisions of this chapter is increased by a sum equal to three one-hundredths (0.03) of 1 percent of the compensation paid forestry members.

SEC. 5. Section 20750.41 is added to said code, to read:

Warden members

20750.41. The State's contribution to the Retirement Fund in respect to warden members provided by any and all other provisions of this chapter is increased by a sum equal to eight one-hundredths (0.08) of 1 percent of the compensation paid warden members.

Operative date

SEC. 6. 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.

CHAPTER 1471

An act authorizing the sale or exchange of state property and providing for the disposition of the proceeds from said sale or exchange.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

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

Authority to sell state land near Stockton

SECTION 1. The Director of Finance, with the consent of the Director of Mental Hygiene, is hereby authorized to sell or exchange for value, and upon such terms and conditions and with such reservations and exceptions, as in his opinion may be for the best interests of the State, that 900 acres more or less lying westerly of the westerly limits of the proposed right of way to be granted for Pershing Avenue projection on property of the Stockton State Hospital farm near the City of Stockton, California.

SEC. 2. A copy of each deed of conveyance executed and delivered by the Director of Finance pursuant to this act shall be delivered to the State Lands Commission.

Disposition of proceeds

SEC. 3. Any moneys received from the sale or exchange of said property shall be paid into the General Fund in the State Treasury.

CHAPTER 1472

An act to amend Section 69680 of the Government Code, relating to the salary of the Judge of the Superior Court in and for San Luis Obispo County.

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 69680 of the Government Code is amended to read:

69680. The annual salary of the Judge of the Superior Court of the County of San Luis Obispo is fifteen thousand dollars ($15,000).

San Luis Obispo County Judge's salary

CHAPTER 1473

An act to add Chapter 2.5 to Division 1, Title 2, of the Government Code, creating a California Klamath River Commission and prescribing its powers and duties.

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 2.5 is added to Division 1, Title 2, of the Government Code, to read:

CHAPTER 2.5. CALIFORNIA KLAMATH RIVER COMMISSION

8110. There is in the State Government a California Klamath River Commission.

Klamath River Commission

8111. As used in this chapter "commission" means California Klamath River Commission.

8112. The commission shall consist of five members, the State Engineer and four members appointed by the Governor, three of which shall be appointed from persons residing in the Klamath River Basin which comprises the following counties: (1) Modoc, (2) Siskiyou, (3) Trinity, (4) Del Norte, and (5) Humboldt. The members selected from residents of the Klamath River Basin shall be appointed from qualified persons engaged in the following fields: (a) agriculture, (b) mining, (c) lumbering, (d) fishing, and (e) other industries.

8113. Each member of the commission shall be entitled to receive his actual necessary expenses while on official business of the commission.

8114. The chairman of the commission shall be selected by the commission.

8115. The commission shall appoint a secretary who may be one of its members and may employ such employees as it

deems necessary to carry out its functions under this chapter. It may also incur necessary expenses to effectuate its purposes.

8116. It is the function of the commission to cooperate with a similar commission representing the State of Oregon in formulating and submitting to the legislatures of both states for their approval an interstate compact relative to the distribution and use of the waters of the Klamath River.

8117. No compact or agreement is binding on the State of California until it has been approved by the Legislature of this State and the Congress of the United States.

8118. The State Engineer shall cooperate with the commission and furnish it with such engineering data as the commission may require in carrying out the provisions of this chapter.

8119. Members and employees of the commission may travel outside of the State and may hold hearings and conduct investigations within and outside the State, whenever necessary to carry out the purposes of this act.

CHAPTER 1474

An act to amend Section 69663 of the Government Code, relating to the salary of the Judge of the Superior Court in Mendocino County.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

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

SECTION 1. Section 69663 of the Government Code is amended to read:

Mendocino County Judge's salary

69663 The annual salary of the Judge of the Superior Court of the County of Mendocino is fifteen thousand five hundred sixty dollars ($15,560).

CHAPTER 1475

An act providing for surveys, plans, estimates of costs, and preliminary engineering, for a toll bridge, tube, or other toll highway crossing across Los Angeles Harbor from San Pedro to Terminal Island, and making an appropriation therefor.

In effect September 9 1953

[Approved by Governor June 29, 1953 Filed with Secretary of State June 30, 1953]

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

Appropriation for study of Los Angeles Harbor crossing

SECTION 1. The sum of two hundred thousand dollars ($200,000), or so much thereof as may be necessary, is hereby appropriated out of the State Highway Fund for investigation and study of the feasibility of financing through revenue

bonds and constructing a toll bridge, tube, or other toll highway crossing, and for the surveys, plans, estimates of costs, preliminary engineering, and other preliminary expenses in connection with such bridge, tube, or other crossing across the Los Angeles Harbor between San Pedro and Terminal Island. Said appropriation shall be available to the California Toll Bridge Authority for expenditure through the Department of Public Works in accordance with the provisions of the California Toll Bridge Authority Act. The California Toll Bridge Authority shall return said appropriation, or so much thereof as may be used, together with interest thereon at the rate of 1½ percent per annum, to the State Highway Fund in the State Treasury from the proceeds of the first sale of revenue bonds issued for the construction of said tube or other crossing under the provisions of the California Toll Bridge Authority Act.

In the event that no revenue bonds are issued by the California Toll Bridge Authority, or if for any other reason said amounts have not been repaid to the State Highway Fund, with interest as specified, by July 1, 1956, the amounts shall be returned to the State Highway Fund by deductions from amounts required to be expended in the City of Los Angeles on major city streets from said funds. Such deductions shall be made in eight (8) equal quarterly installments.

CHAPTER 1476

An act to add Section 3044.6 to the Business and Professions Code, relating to the practice of optometry, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

In effect immediately

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

SECTION 1. Section 3044.6 is added to the Business and Professions Code, to read:

Certification of out-of-state disabled veteran licensees

3044.6. Any person who is a veteran of the armed forces and has been licensed to practice optometry in another state for a period of five years and who has received a certificate of disability discharge from the armed forces and has been graduated from an institution of optometry accredited by the California Board of Optometry shall be given an examination as prescribed by the board and shall be issued a certificate if he receives a passing grade in such examination as determined by the board.

Urgency

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

Individuals who have become disabled in the service of our Country and who are qualified to practice their profession in another state are denied the right to continue their practice in this State, and thereby earn their livelihood. In order that such disabled veterans be given an opportunity to engage in the gainful practice of their profession, at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 1477

An act to amend Sections 70047 and 70056 of the Government Code, relating to superior court reporters.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

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

SECTION 1. Section 70047 of the Government Code is amended to read:

Contra Costa County Court reporter's salary

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 seven thousand five hundred dollars ($7,500), and each pro tempore official reporter shall be paid twenty-five dollars ($25) a day for the days he actually is on duty under order of the court.

SEC. 2. Section 70056 of said code is amended to read:

Litigants' fees

70056. In a county with a population of over 295,000 and under 500,000, the fee required by Section 70053 shall be five dollars ($5).

CHAPTER 1478

An act to add Chapter 10 to Division 10 of the Education Code, relating to the establishment, powers and duties of transportation districts for the transportation of pupils.

In effect September 9 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

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

SECTION 1. Chapter 10 is added to Division 10 of the Education Code, to read:

CHAPTER 10. TRANSPORTATION DISTRICTS

Article 1. Creation of Districts

Student transportation district

21621. In each county in which a junior college is not established and maintained there is hereby created a student transportation district.

21622. The boundaries of each student transportation district shall be coextensive with the boundaries of the county within which it is situated.

21623. A student transportation district shall not transact any business or exercise any of its powers under this chapter until or unless the board of supervisors of the county in which it is situated, by proper resolution, declares at any time hereafter that there is need for a student transportation district to function in such county.

21624. The board of supervisors at any time on its own motion may hold a public hearing to determine whether or not there is need for a student transportation district to function.

21625. The board of supervisors shall give notice of the time and place of a public hearing to determine whether or not there is need for a student transportation district to function by publication once in a newspaper of general circulation not less than 15 days before, and not more than 45 days before such hearing.

21626. The board of supervisors may adopt a resolution declaring that there is need for a student transportation district to function if from the evidence received at such a public hearing it finds: Resolution of need

(a) That a junior college is not established and maintained within the county by a junior college district, high school district, or unified school district.

(b) That there are students residing in the county who are enrolled in a state college, who can be transported daily to the state college in which they are enrolled.

Upon the adoption of this resolution the district shall begin to function.

21627. A resolution declaring that there is need for student transportation district to function is sufficient if it finds that there is need for student transportation district to function, and finds in substantially the wording of Section 21626 that both of the enumerated conditions exist. No further detail is necessary.

21628. A copy of a resolution declaring that there is need for student transportation district, duly certified by the county clerk, is admissible in evidence in any suit, action or proceeding

21629 Upon the adoption by the board of supervisors of a resolution declaring there is need for a student transportation district to function the student transportation district in that county shall have power: Powers

(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 its pleasure.

(d) To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.

(e) To employ such persons as are necessary to carry into effect any powers of the district.

(f) To provide for the transportation of students residing within the district to and from any state college located within an adjoining county and for that purpose may purchase, or rent and provide for the upkeep, care, and operation of vehicles, or may contract and pay for the transportation of students to and from school by common carrier, or may contract with and pay responsible private parties for the transportation.

(g) To cause to be levied and collected taxes upon all the taxable property in the district in the manner and amount provided to meet the obligations of the district, and to defray the expenses incidental to the exercise of the district powers.

Article 2. Officers

Board of directors.

21631. The governing body of a student transportation district is a board of directors consisting of five members. Upon the adoption of a resolution by the board of supervisors declaring there is a need for a student transportation district, the board shall appoint five qualified electors residing within the district as members of the board of directors, and shall fix a time and place for the first meeting of the board and shall cause each member to be given written notice at least five days prior to the meeting.

Quorum

21632. A majority of the members constitutes a quorum, and in the absence of a quorum any lesser number may adjourn the meeting from time to time, and place to place, until the organization of the district board has been completed.

Officers

21633. At the first meeting of the district board at which a quorum is present, the members shall appoint a chairman and a vice chairman from among its membership. They shall appoint a secretary, who need not be a member. The secretary shall perform the duties prescribed by the board.

21634. The board shall adopt rules governing the selection, duties, and term of office of its officers.

Compensation

21635. Members shall receive no compensation for their services, but shall be allowed their actual expenses incurred in connection with the discharge of their duties.

Terms of office

21636. After the board has organized and selected its officers, the members shall classify themselves into two groups by lot. The larger group shall consist of three members. Each member in the larger group shall hold office for a term of four years, and until his successor is appointed and qualified. Each member in the smaller group shall hold office for a term of two years, and until his successor is appointed and qualified.

21637. Immediately upon the expiration of the term of any member, the board of supervisors shall appoint a successor to serve for a term of four years after the expiration of the term of his predecessor, and until his successor is appointed and qualified.

21638. A majority of the members constitutes a quorum for the transaction of business. A majority vote of all of the members is necessary to take any action.

21639. The district board may make necessary rules relative to the orderly transaction of its business and the business of the district.

Vacancy

21640. Any vacancy shall be filled by the board of supervisors of the county in which the district is located. The appointee shall hold office only for the balance of the unexpired term.

Ex officio auditor

21641. The county auditor of the county in which the district is situated is ex officio auditor of the district.

Article 3. Taxation

Estimate of expenses

21646. The board of directors shall, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is situated is required by law to levy the amount of taxes required for county purposes, furnish the board of supervisors and county auditor of the county an estimate in writing of the amount of money necessary for the district's purposes during the next ensuing fiscal year. The county tax collector shall collect the district taxes at the same time and in the same manner as the county taxes are collected. All money collected for district purposes shall be paid into the county treasury and paid out on warrants of the county auditor drawn on the county treasurer, upon order of the board of directors.

Tax levy: Authority

21647. The board of supervisors of the county in which the district is situated shall, at the time of levying county taxes, levy a tax sufficient to raise the amount reported to it by the board of directors, upon the taxable property in the district. The board of supervisors shall determine the rate of the tax by deducting 10 percent for anticipated delinquencies from the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported to it by the district board by the remainder of the total assessed value.

Limitation

21648. For the purposes of the district the board of supervisors shall levy a tax of not to exceed five cents ($0.05) on each one hundred dollars ($100) of taxable property of the district in the county.

Collection

21649. All taxes levied under this chapter shall be computed and entered on the county assessment roll by the county auditor and collected at the same time and in the same manner as other county taxes. When collected, the taxes shall be paid into the county treasury for the use of the district.

Withdrawal of funds

21650. The funds shall only be withdrawn from the county treasury depository upon the order of the board of directors signed by its chairman, and countersigned by its secretary. However, if the county in which the district is situated has adopted a requisition system covering the withdrawal of funds

for the purchase of services or supplies, the board of directors may, by resolution, adopt such system and make withdrawals in accordance therewith.

Article 4. Contracts

Contract bids

21651. The board of directors shall let any contract involving an expenditure of more than five hundred dollars ($500) for work or services to be performed, 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 board requires, or else reject all bids. This section applies to all materials and supplies whether patented or otherwise

Publication

21652. For the purpose of securing bids the board shall publish at least once a week for two weeks in some newspaper of general circulation published in the district, a notice calling for bids, stating the work to be done, or materials, supplies, or services, to be furnished and the time when and the place where the bids will be opened.

Misdemeanor

21653. A member of the board of directors shall not be directly or indirectly interested in any contract awarded by the district, or in the profits to be derived from any contract entered into by the district. Any member who violates this section is guilty of a misdemeanor, and shall forfeit his office.

CHAPTER 1479

An act to amend Section 21933 of the Water Code, relating to irrigation districts

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

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

SECTION 1. Section 21933 of the Water Code is amended to read:

Authorization of bond issue

21933. The issuance of bonds is authorized when at a bond election either:

(a) Two-thirds of the votes cast on the proposal are "yes."

(b) A majority of the votes cast on the proposal are "yes" when the election was called pursuant to a petition sufficient to require it to be called.

(c) A majority of the votes cast on the proposal are "Yes" when the bonds to be issued are payable both as to principal and interest solely from revenue and not directly or indirectly from assessments and the commission finds that in its judgment the proposed revenues will each year, after deducting a reasonable allowance for the cost of operation and maintenance, if any, which must be paid from the revenues, be at least one and one-tenth times the debt service requirements for that year for principal, interest, sinking funds and reserve funds of all the bonds, including the bonds to be issued, payable from the revenues.

CHAPTER 1480

An act making an appropriation to the Department of Public Works relating to repair and restoration of county roads and bridges, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1953. Filed with Secretary of State June 30, 1953.] In effect immediately

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

SECTION 1. There is hereby appropriated to the Department of Public Works, the sum of thirty-two thousand five hundred dollars ($32,500), or so much thereof as may be necessary, payable from the unexpended and unencumbered balance of the appropriation made by Item 428 of the Budget Act of 1952, to be expended by the Department of Public Works in assisting the County of Humboldt to repair and to restore certain public roads and bridges damaged or destroyed by storms and flood conditions; namely, Devils Gate Road (County Road No. 155), Ryan Slough Hill Road (County Road No. 408), and West End Low Level Bridge in Humboldt County. Humboldt County Appropriation for road repairs

SEC. 2. The expenditure of the money appropriated by Section 1 of this act shall be subject to approval by the Department of Public Works of specifications, but the expenditure may be made by the Department of Public Works notwithstanding the dates on which the County of Humboldt lets the contracts in connection with the repair and restoration of the roads and bridges described in Section 1 of this act.

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

Recent occurrences of storms and floods have injured the county roads and bridges in Humboldt County, which injury has interrupted the exercise of the governmental functions and threatens the health and welfare of the citizens of the State who are dependent upon the use of those roads and bridges. This act is necessary, therefore, in order to restore lines of communication urgently needed for the proper functioning of the Government of the State.

CHAPTER 1481

An act to add Section 54905 to the Government Code, relating to the filing of statements and maps or plats for tax purposes by cities and districts on creation or change in boundaries, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.] In effect immediately

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

SECTION 1. Section 54905 is added to the Government Code, to read:

Fire protection district tax levy exception

54905. With respect to any tax levied for the Fiscal Year 1953-54, this chapter does not apply to any fire protection district organized or existing pursuant to Chapter 2 of Part 3 of Division 12 of the Health and Safety Code, some of whose territory has been included within the boundary of any city incorporated during the 1951-52 Fiscal Year, and again included in such district subsequent to February 1, 1953.

Urgency

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

A question has arisen as to the validity of any tax that may be levied for the 1953-54 Fiscal Year by a fire protection district organized or existing pursuant to Chapter 2 of Part 3 of Division 12 of the Health and Safety Code, some of whose territory has been included within the boundary of a newly incorporated city during the 1951-52 Fiscal Year, and again included in such district after February 1, 1953. Those directly concerned have been reasonably unaware of the fact that as a result of such incorporation a change of boundaries in a fire protection district affected may have resulted, requiring the filing of a statement and map or plat with the county assessor and State Board of Equalization as a condition to levying taxes for district purposes for the Fiscal Year 1953-54. Unless any consequent failure to file the statement and map or plat is corrected in accordance with this act, the people in each area affected will be without essential fire protection services during the Fiscal Year 1953-54; and in order to make such correction effective in time to be of any value for that year, it is necessary that this act take effect immediately.

CHAPTER 1482

An act to add Section 866.5 to the Penal Code, relating to preliminary examinations.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

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

SECTION 1. Section 866.5 is added to the Penal Code, to read:

Right to counsel

866.5. The defendant may not be examined at the examination, unless he is represented by counsel, or unless he waives his right to counsel after being advised at such examination of his right to aid of counsel.

CHAPTER 1483

An act to add Section 1240 to the Penal Code, relating to the cost of preparing the defendant's brief in criminal cases where an automatic appeal is taken, and making an appropriation.

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1240 is added to the Penal Code, to read:

Payment for criminal defendant's appellate brief

1240. In any case where an automatic appeal is taken, as provided in Section 1239, and where counsel has been appointed by the court to appear for the defendant, the cost of preparing the defendant's brief required in any such criminal case shall be paid by the State from the current appropriation for the support of the Supreme Court, in an amount not to exceed one hundred dollars ($100). Claim for payment of such cost shall be presented by counsel to the Clerk of the Supreme Court in such form as the clerk prescribes. If the claim is in order, the clerk shall transmit it to the State Controller, who shall draw his warrant in payment thereof and transmit it to the clerk for delivery to the payee.

Appropriation

SEC. 2. The sum of five hundred dollars ($500) is hereby appropriated from the General Fund in the State Treasury in augmentation of the appropriation for support of the Supreme Court during the 1953-1954 Fiscal Year to carry out the provisions of this act.

CHAPTER 1484

An act to add Section 72002.1 to the Government Code, relating to officers and employees of inferior courts.

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 72002.1 is added to the Government Code, to read:

Application of county civil service to inferior court personnel

72002.1. In any chartered county in which a system of civil service is in effect, the civil service commission thereof shall administer any civil service provisions made applicable by this code to attaches of municipal courts.

Subject to the express provisions of this section and of any other state law, the provisions of the county charter relating to civil service and the rules of the civil service commission adopted pursuant thereto shall be applicable to the said attaches of the municipal courts in the same manner and to the same extent as applicable generally to officers and employees of such county.

It shall be competent for the judge or a majority of the judges of any municipal court to adopt rules for the conduct of, and personnel privileges to be afforded, the personnel of their court; or for a majority of all of the municipal court judges in a county, convened from time to time by the presiding judge of the municipal court district which embraces the county seat to adopt uniform rules for such purposes relative to the personnel serving the municipal courts in such county; and for that purpose they may adopt in whole or in part the provisions of any county ordinance applicable to employees of the county, except where the same may be in conflict with any provisions of the State Constitution or laws relating to municipal courts and their attaches. In any such county such attaches may be voluntarily transferred from a position in one judicial district to a position in another within the county and promoted or voluntarily demoted from a position in one judicial district to a position in another within the county in substantially the same manner as transfers, demotions and promotions are authorized generally in county departments or between departments of the county.

Exception

This section shall not apply to municipal courts in judicial districts in San Diego County.

CHAPTER 1485

An act to repeal Section 508 of the Streets and Highways Code, relating to state highways.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

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

Repeal

SECTION 1. Section 508 of the Streets and Highways Code is hereby repealed.

Operative date

SEC. 2. This act shall not become operative until January 1, 1955.

CHAPTER 1486

An act to repeal Section 2351 of the Welfare and Institutions Code and to add Section 2351 and Section 2351.5 thereto, relating to reserve requirements of organizations or persons furnishing life care.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

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

Repeal

SECTION 1. Section 2351 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 2351 is added to said code, to read:

2351. Any organization or person receiving a certificate of authority to enter into care agreements shall maintain reserves covering obligations assumed under all agreements entered into and maintained. Such reserves shall be in an amount not less than the sum computed in accordance with the standard of valuation based upon McClintock's table of mortality among annuitants with interest assumption at 2½ percent per annum. Reserve requirements

Failure to maintain reserves as provided in this section shall be deemed a breach of all agreements to furnish care.

The reserves shall consist of the following:

1. Deposits in commercial and savings accounts with banks which are members of the Federal Deposit Insurance Corporation to the extent that such deposits are insured by that corporation.

2. Investments in certificates issued by building and loan associations which are members of the Federal Savings and Loan Insurance Corporation to the extent that such certificates are insured by such corporation

3. Bonds listed on exchanges in the United States and notes receivable secured by first deeds of trust and first mortgages.

4. Preferred and common stocks listed on exchanges of the United States not to exceed 50 percent of the reserve. Said stocks shall be of high investment grade and must be limited to corporations which have had an uninterrupted dividend record of at least 10 years.

5 Stocks not listed on exchanges of the United States may be included in the 50 percent portfolio after approval of such stocks has been secured from the State Department of Insurance.

6 Real estate or equities therein owned by the organization or person to the extent of 60 percent of the net value thereof. Appraisals shall be made by two appraisers approved by the State Department of Social Welfare.

7 Furniture and equipment to the extent of 50 percent of the net value thereof. Appraisals shall be made by two appraisers approved by the State Department of Social Welfare.

8 At least 25 percent of the reserve necessary to maintain all care agreements must consist of listed bonds, stocks, commercial and savings accounts and building and loan certificates. Any person or organization holding a certificate of authority to enter into life care agreements upon the effective date of this act that is unable to meet the reserve requirements of this subsection may petition the department for a modification of the percentage in this reserve requirement. The department is authorized between the effective date of this act and October 1, 1955, to grant a modification of this reserve requirement upon an affirmative showing by the person or organization that they are unable to immediately meet this requirement of this subsection.

SEC 2. Section 2351.5 is added to said code, to read:

2351.5. Life care agreements executed by an organization or person shall be deemed a preferred claim against all assets owned by said organization or person in the event of liquidation. Preferred claim status of life care agreements

For purpose of computing the reserve, the liens required under subsection 2350 1 shall not be deducted from the value of real or personal property.

CHAPTER 1487

An act to amend Sections 2352, 2354.1, and 2358 of the Welfare and Institutions Code, to repeal Sections 2353 2, 2355, and 2356 thereof, and to add Sections 2355 and 2356 thereto, relating to life care contracts.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

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

SECTION 1. Section 2352 of the Welfare and Institutions Code is amended to read:

Filing of life care agreements

2352. The State Department of Social Welfare may require the filing with the department of a copy of any agreement entered into between the certificate holder and transferor, by every person or organization holding a certificate of authority to receive transfers under this chapter. All agreements entered into between the certificate holder and the transferor shall be in writing and shall contain all information required under Section 2353.

SEC. 2. Section 2354.1 of said code is amended to read:

Certification of reserves

2354.1. In lieu of making a detailed financial investigation, the State Department of Social Welfare may accept an annual audit of the records of the organization or person made by a certified public accountant, which shall include a certification, if such is the case, that the organization or person is maintaining reserves in accordance with the requirements of Section 2351 of this code.

SEC. 3. Section 2358 of said code is amended to read:

Transfer of certificate of authority and amendment of agreement

2358. No certificate of authority shall be transferred. Neither the terms of the agreement nor the place of performance specified in any agreement shall be changed without the written consent of the State Department of Social Welfare except in circumstances where residents are removed for medical treatment.

Repeals

SEC. 4. Section 2353 2 of said code is repealed.

SEC. 5. Section 2355 of said code is repealed.

SEC. 6. Section 2356 of said code is repealed.

SEC. 7. Section 2355 is added to said code, to read:

Certificate of authority Application

2355. A formal application shall be made by a person or organization to the State Department of Social Welfare for a certificate of authority. When issued, the certificate of authority shall remain in force until suspended or revoked by the State Department of Social Welfare in accordance with Section 2356.

SEC. 8. Section 2356 is added to said code, to read:

2356. Certificates of authority may be suspended or revoked for cause by the State Department of Social Welfare. Suspension, etc

Failure of the organization or person to meet the licensing requirements of Chapter 2, Division 3, Section 2300 of this code or the reserve requirements of Section 2351 of this code shall constitute cause for suspension or revocation of the certificate of authority.

The person or organization whose certificate of authority is suspended or revoked shall have right of appeal to the State Social Welfare 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 of the powers granted therein.

CHAPTER 1488

An act to amend Section 2350 of, to repeal Section 2353 of, and to add Sections 2350.1 and 2353 to the Welfare and Institutions Code, relating to life care contracts.

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.] In effect September 9, 1953

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

SECTION 1. Section 2350 of the Welfare and Institutions Code is amended to read:

2350. Any organization or person may receive transfers of property from an aged person conditioned upon an agreement to furnish life care or care for a period of more than one year, which may include the cash payment of personal and incidental expenses, to the transferor or his nominee; provided, such organization or person has received a written license or permit pursuant to Chapter 2 of this division and such organization or person has been granted a certificate of authority by the State Department of Social Welfare. Life care agreements Authority

SEC. 2. Section 2353 of said code is repealed.

SEC. 3. Section 2350.1 is added to said code, to read:

2350.1. When necessary to secure the performance of all obligations of the certificate holder to transferors, the department may record with the recorder of any county a notice of lien on behalf of the transferors. From the time of such recording there exists a lien on all real property of the certificate holder not exempt from execution owned by him at the time or which he may afterward acquire before the release of the lien, and located within the county where such notice is recorded. The department shall file a release of the lien upon proof of complete performance of all obligations to transferors, or upon the filing of a bond meeting the conditions set forth in Section 2350.5 of this code. The department may file a release of the lien if the department deems the lien no longer necessary to secure the performance of all obligations of the certificate Transferor's lien

holder to the transferors. The certificate holder may appeal to the State Social Welfare Board from a refusal of a request for release of the lien. The decision of the board shall be subject to court review pursuant to Section 1094.5 of the Code of Civil Procedure upon petition of the certificate holder filed within 30 days of service of the decision.

This section shall not apply to a home maintained by a charitable, religious, benevolent, fraternal, educational, or other nonprofit organization.

SEC. 4. Section 2353 is added to said code, to read:

Contents

2353. The agreement must show:

(a) The value of all property transferred, including but not limited to, donations, subscriptions, fees, and any other amounts paid or payable by, or on behalf of the aged person.

(b) All the services which are to be provided by the person or organization to the transferor. This should include in detail all items which the transferor will receive such as board, room, medical care, clothing, burial, incidentals, and whether such items will be provided for a designated time period or for life.

CHAPTER 1489

An act to amend Sections 108 and 10270 of the Insurance Code, relating to insurance.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

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

SECTION 1. Section 108 of the Insurance Code is amended to read:

Liability insurance

108. Liability insurance includes:

(a) Insurance against loss resulting from liability for injury, fatal or nonfatal, suffered by any natural person, or resulting from liability for damage to property, or property interests of others but does not include workmen's compensation, common carrier liability, boiler and machinery, or team and vehicle insurance;

(b) With respect to operations or property covered by a policy of liability insurance as defined in subdivision (a), insurance of medical, hospital, surgical and funeral loss or expense of the insured or other persons injured, and in the case of an automobile liability policy disability benefits to the insured or other persons injured and in the event of their death funeral and accidental death benefits to their dependents, beneficiaries or personal representatives irrespective of legal liability of the insured, when issued with or supplemental to the insurance defined in subdivision (a);

(c) The provisions of this code relating to disability insurance do not apply to insurance defined in subdivision (b).

SEC. 2. Section 10270 of the Insurance Code is amended to read:

10270. This chapter shall not affect workmen's compensation insurance nor any policy of liability insurance with or without supplementary coverage therein, nor shall it apply: Application of chapter

(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.

A "blanket policy" is any disability policy sold to any of the entities described in subdivision (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 in-

dividual 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.

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.

CHAPTER 1490

An act to amend Section 60 of the Alcoholic Beverage Control Act (Chapter 330, Statutes of 1935) and Section 25633 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

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

SECTION 1. Section 60 of the Alcoholic Beverage Control Act is amended to read as follows:

Legal delivery of alcoholic beverages

Sec. 60. 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. Beer and wine may be delivered at the platform of the manufacturing, producing or distributing plant at any time. Nothing herein contained shall be construed to prohibit 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 shall be guilty of a misdemeanor. Misdemeanor

SEC 2. Section 25633 of the Business and Professions Code is amended to read:

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. 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. Same

SEC. 3. 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 code takes effect, at which time Section 60 of the Alcoholic Beverage Control Act (Chapter 330, Statutes of 1935), amended by this act, is repealed. Effect Stats 1951, Ch 152

CHAPTER 1491

An act to add Section 1620.5 to the Welfare and Institutions Code, relating to the finding of homes for placing of children under 16 years of age.

[Approved by Governor June 29, 1953 Filed with Secretary of State June 30, 1953] In effect September 9, 1953

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

SECTION 1. Section 1620.5 of the Welfare and Institutions Code is added, to read:

1620 5. No license shall be required pursuant to, and it shall not be a violation of, Section 1620(b) of this code for a maternity home licensed by the State Department of Social Welfare or a hospital or establishment holding a license in good Release of infant by licensed institution

standing issued under the provisions of Chapter 2, or Chapter 3 of Division 2, of the Health and Safety Code to release or surrender the custody of a child under 16 years of age to any person, association or corporation designated in a written authorization signed by its parent, or, if there is no parent, by the person having legal custody of the child.

On the release of a child to any person other than a parent or relative by blood or marriage, the hospital or maternity home shall report within 48 hours to the State Department of Social Welfare, on forms supplied by that agency, the name and address of the person, organization or corporation into whose custody the child was released.

CHAPTER 1492

An act to amend Section 5516 of the Business and Professions Code, relating to the practice of architecture.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

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

SECTION 1. Section 5516 of the Business and Professions Code is amended to read:

Board of Architectural Examiners Compensation

5516. Each member of the board shall receive twenty-five dollars ($25) per day for the time actually spent in traveling to and from and in attending sessions of the board and its committees, and he shall be reimbursed for all necessary expenses incident to the performance of his duties under this chapter.

CHAPTER 1493

An act to amend Section 111.5 of the Streets and Highways Code, relating to one-way streets.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

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

SECTION 1. Section 111.5 of the Streets and Highways Code is amended to read:

Parallel one-way streets

111.5. Whenever a city street or a county highway and an existing state highway (1) are substantially parallel; (2) each has been or is to be restricted to one-way traffic, proceeding in opposite directions as to each other, by ordinance of such city or county duly enacted and applicable thereto; and (3) the commission determines that the existing state highway is inadequate and that state highway traffic conditions can be improved and state highway traffic more economically served than

by confining improvements to the existing state highway, the commission may adopt any portion of the city street or county highway so substantially parallel with an existing state highway, as a part of the State Highway System without compensation to the city or county, and the department may improve the same and make necessary connections to route traffic one way on such city street or county highway and the existing state highway, respectively.

Local ordinances

Whenever an ordinance of any city or county designating a particular highway as a one-way highway becomes applicable to a state highway, whether an existing state highway at the time of the enactment of such ordinance or a city street or county highway thereafter adopted as a state highway, such ordinance shall not be thereafter rescinded, repealed, revoked or amended by action of the legislative authority of such city or county without the consent in writing of the department with the approval of the commission first obtained, unless otherwise provided by the terms of any written agreement between the State and any city entered into prior to the effective date of this section. If any city street or county highway which has become a portion of the State Highway System pursuant to this section ceases to be a one-way street because the ordinance declaring such street or highway to be a one-way street or highway is rescinded, repealed, revoked, or amended, with the consent of the department, as hereinabove provided, such city street or county highway, or the portion thereof that is no longer restricted to one-way traffic, shall by operation of law revert to the status of a city street or county highway and cease to be a portion of the State Highway System

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CHAPTER 1494

An act to amend Section 28o of, to repeal Section 69 of, and to add Section 69 to, the Palo Verde Irrigation District Act (Chapter 452, Statutes of 1923), relating to the Palo Verde Irrigation District.

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 28o of the Palo Verde Irrigation District Act is hereby amended to read:

Property redemption

SEC. 28o. A redemption of the property sold may be made by the owner, or any party in interest, within four years from the date of the sale. Redemption must be made in lawful money of the United States.

On receiving the certificate of sale, the county recorder must file it in book form and prepare an index thereto, in which, in separate columns, he must enter the name of the person to whom the land was assessed, as written in the certificate, the name of

the district and the date of sale. On presentation of the receipt of the collector for the total amount of the redemption money, the recorder must mark the word "redeemed," the date and by whom redeemed on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within the time hereinbefore provided, the collector, or his successor, must make to the district a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The title acquired by the district may be conveyed by deed, executed and acknowledged by the president and secretary of the board of trustees, or said property may be sold on contract, with deferred payments, similarly executed and acknowledged; provided, that authority so to convey or contract must be conferred by resolution of the board, entered in its minutes, fixing the price and terms at which such sale or contract may be made, and for the purpose of making such sales or contracts the district may employ an agent or agents.

Repeal

SEC. 2. Section 69 of said act is repealed.

SEC. 3. Section 69 is added to said act, to read:

Incorporation of private lands

Sec. 69. All lands which are now privately owned and situate within the exterior boundaries of the district, as described in Section 2 of this act, but which were public lands of the United States or lands of this State at the time of the creation of said district and have not heretofore been included within said district are hereby incorporated within said district for all purposes. The Legislature hereby finds and determines that all such lands are and will be benefited by the accomplishment of the purposes of this act and should now be and become a part of said district.

Legislative intent

SEC. 4. In repealing and adding the provisions of Section 69, it is the intention of the Legislature that all provisions of the section shall have the same force and effect as if it were for the first time enacted at the time of this act, notwithstanding any provision to the contrary expressed in Chapter 6 of Part 1, Division 2, Title 2 of the Government Code

Constitutionality

SEC. 5. 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 adopted this act, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases of this act may be declared unconstitutional.

CHAPTER 1495

An act to amend Section 4741 of the Health and Safety Code, and to add Sections 4741.1, 4741.2, 4741.3, 4741.4, 4741.5, and 4741.6, relating to the acquisition of sewage collection,

treatment and disposal systems and construction of refuse collection and disposal systems.

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 4741 of the Health and Safety Code is amended to read:

Construction, etc., of sewage systems, etc.

4741. It may acquire, construct and complete within or without the district, sewage collection, treatment and disposal works, including sewage treatment plants, outfall, intercepting, collecting and lateral sewers, pipes, pumps, machinery, easements, rights of way, and other works, property or structures necessary or convenient for sewage collection, treatment and disposal. No such sewerage system shall be constructed, maintained, or operated in any city not in the district except by consent granted by the unanimous vote of the governing body of the city.

In addition it may construct, maintain and operate, within or without the district, a refuse collection and disposal system.

SEC. 2. Section 4741.1 of the Health and Safety Code is added, to read:

Refuse collection and disposal system

4741.1. A refuse collection and disposal system may include unincorporated or incorporated territory, or both. The incorporated territory included in the system may include the whole or part of one or more cities within the district. However, no incorporated city, nor any part thereof, within the district shall be included in the system except by consent granted by a majority vote of the governing body of the city. No refuse collection and disposal system shall be constructed, maintained or operated in any city not within the district, except by consent granted by the unanimous vote of the governing body of such city.

The refuse collection and disposal system shall not include the whole or any part of any other district formed for similar purposes, nor any unincorporated territory within the district, unless the governing body of such other district, or the board of supervisors in the case of unincorporated territory, shall consent thereto, and the board of supervisors, after a hearing, shall find and determine by resolution duly adopted that the proposed inclusion of the whole or part of such other district or of unincorporated territory within the system is in the public interest and the territory affected will benefit thereby.

Notice of such hearing shall be given by publication in at least two successive issues, not more than 30 nor less than 10 days prior to the hearing, in a newspaper of general circulation published within the county.

SEC. 3. Section 4741.2 of the Health and Safety Code is added, to read:

Resolution of intention

4741.2. A district board desiring to construct, maintain and operate a refuse collection and disposal system within or

without the district in addition to its sewage collection, treatment and disposal system shall, upon obtaining the necessary consents from the governing bodies of cities and from the board of supervisors, adopt a resolution of its intention to do so. The resolution shall contain the following:

(a) A statement of the intention to construct, maintain and operate a refuse collection and disposal system;

(b) The boundaries of the proposed system or some other designation of its territorial extent;

(c) The name of the county sanitation district proposing to construct said system;

(d) The time and place where objections to the construction of the system or the territorial extent thereof will be heard,

(e) Instructions to the secretary of the district board to publish the resolution and notices of hearing.

SEC. 4. Section 4741 3 of the Health and Safety Code is added, to read:

Hearing

4741 3. The time to be fixed for the hearing of objections to the construction of a proposed refuse collection and disposal system or to its extent shall be not less than 30 days after the adoption of the resolution. The hearing shall be held at the regular meeting place of the district board, or at some place within the district.

SEC. 5. Section 4741.4 of the Health and Safety Code is added, to read·

Publication

4741.4. Prior to the time of the hearing, the resolution shall be published at least twice in a newspaper of general circulation in the district, and brief notices of the passage of the resolution and the time and place of the hearing may be published in one or more daily or weekly newspapers published and circulated in the district

SEC. 6. Section 4741.5 of the Health and Safety Code is added, to read:

4741.5. At the time provided in the resolution of intention, or at any time to which the hearing is continued, the district board shall hear any objections to the construction, maintenance and operation of the proposed refuse collection and disposal system, or objections to its territorial extent At the conclusion of the hearing, the district board shall either describe the boundaries of the territory to be included in the system and order the construction, maintenance and operation of the system within the territory so described, or it shall order the abandonment of the proposed system.

SEC. 7. Section 4741.6 of the Health and Safety Code is added, to read:

Application

4741.6. The provisions of Sections 4741.1 through 4741 5 shall not apply to any district whose resolution of intention pursuant to Section 4710 discloses that the district was formed for the purposes of constructing, maintaining and operating both sewage collection and disposal systems and refuse collection and disposal systems. Also nothing contained in this chapter shall be construed to preclude any district from using

its sewerage system to dispose of ground garbage or other acceptable material which is ground into the form of slurry.

CHAPTER 1496

An act to amend Sections 1622 and 2302 of the Welfare and Institutions Code, relating to boarding homes

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1622 of the Welfare and Institutions Code is amended to read:

Child care institutions, etc. Inspection service

1622. The State Department of Social Welfare may inspect, examine and license under this chapter or any county or city may establish, and the State Department of Social Welfare may accredit and approve, a county or city inspection service to perform such functions under this chapter.

If any county or city establishes an inspection service, and such service is approved by the State Department of Social Welfare, the inspection may be made by a health department having at least one regularly licensed physician, or a qualified social service department.

The inspection service shall conform to the requirements of this chapter and to the rules of the State Department of Social Welfare.

The costs of any inspection service undertaken by a county or city, with the approval of the State Department of Social Welfare, shall be borne by the State in the amount found necessary by the State Department of Social Welfare for proper and efficient administration, but not to exceed in any fiscal year an amount averaging five dollars ($5) per month per license. Claims shall be filed with the department at the time and in the manner specified by the department for reimbursement of the expenses incurred. If any grants-in-aid are made by the Federal Government for the support of any inspection service approved by the State Department of Social Welfare, the amount of the federal grant shall first be applied to defer the costs of the service and the remainder of the costs, if any, shall be borne by the State.

SEC. 2. Section 2302 of said code is amended to read:

2302. The State Department of Social Welfare may inspect, examine and license under this chapter or any county or city may establish, and the State Department of Social Welfare may accredit and approve, a county or city inspection service to perform such functions under this chapter.

If any county or city establishes an inspection service, and such service is approved by the State Department of Social Welfare, the inspection may be made by either a health depart-

ment having at least one regularly licensed physician, or a qualified social service department.

The inspection service shall conform to the requirements of this chapter and to the rules of the State Department of Social Welfare.

The costs of any inspection service undertaken by a county or city, with the approval of the State Department of Social Welfare, shall be borne by the State in the amount found necessary by the State Department of Social Welfare for proper and efficient administration, but not to exceed in any fiscal year an amount averaging five dollars ($5) per month per license. Claims shall be filed with the department at the time and in the manner specified by the department for reimbursement of the expenses incurred. If any grants-in-aid are made by the Federal Government for the support of any inspection service approved by the State Department of Social Welfare, the amount of the federal grant shall first be applied to defer the costs of the service and the remainder of the costs, if any, shall be borne by the State.

Operative date

SEC. 3. This act shall be effective July 1, 1954.

CHAPTER 1497

An act to amend Section 1615 of the Business and Professions Code, relating to compensation of the Board of Dental Examiners.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

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

SECTION 1. Section 1615 of the Business and Professions Code is amended to read:

Board of Dental Examiners Compensation

1615. Each member of the board shall receive a per diem of twenty-five dollars ($25) as compensation for each day spent in actual attendance at meetings of the board and at committee meetings of the members of the board, when such meetings are especially authorized by the board or its president, and for each day actually spent performing necessary work in connection with the enforcement of this chapter.

The secretary shall receive such compensation as may be fixed by the board, with the approval of the Director of Finance, which shall be in addition to his per diem as a member of the board. He shall be entitled to traveling and other expenses necessary in the performance of his duties.

CHAPTER 1498

An act to add Section 6887 to the Health and Safety Code, relating to annexation of territory to sanitary districts.

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6887 is added to the Health and Safety Code, to read:

Annexation to sanitary districts

6887. Any territory annexed in accordance with law to a city, the boundaries of which are otherwise entirely included in the district, shall, upon the completion of such annexation proceedings, and adoption by the governing body of such city of a resolution ordering inclusion in the district, be deemed incorporated into and annexed to the district. Subject to the requirements of Sections 54900 to 54904, inclusive, of the Government Code, the annexed territory thereafter shall be 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.

CHAPTER 1499

An act to amend Section 13667 of the Government Code, relating to the distribution of state publications.

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 13667 of the Government Code is amended to read:

List of state publications

13667. To facilitate the distribution of state publications, the State Printer shall issue monthly or quarterly a complete list of state publications issued during the immediately preceding month or quarter, such lists to be cumulated and printed at the end of each calendar year. All state departments, commissions and other agencies shall, upon request, supply information to the State Printer for the preparation of the monthly or quarterly lists and the annual cumulative lists. Such lists may be compiled by, or with the cooperation of, the State Library.

CHAPTER 1500

An act to add Part 2.5 to Division 13 of the Health and Safety Code, creating a State Building Standards Commission and defining its duties and responsibilities.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State June 30, 1953.]

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

SECTION 1. Part 2.5 is added to Division 13 of the Health and Safety Code, to read:

PART 2.5. STATE BUILDING STANDARDS COMMISSION

State Building Standards Commission. Creation, membership, etc.

18900. There is hereby created a State Building Standards Commission consisting of the State Architect, the State Fire Marshal, the Director of Public Health, the Director of Mental Hygiene, the Director of Social Welfare, the Director of Agriculture, the Director of Industrial Relations; three members to be appointed by and serve at the pleasure of the Governor from among the professions and industries concerned with building construction, of whom one shall be an architect, one a structural engineer and one a contractor; and three members to be appointed by and serve at the pleasure of the Governor from among local government officials. The commission shall elect a chairman, vice chairman and secretary annually from among its members.

18901. The commission shall adopt, amend and publish a single code of all administrative regulations of state agencies defining building standards.

18902. Every state officer and employee authorized by law to adopt any rule or regulation establishing building standards shall do so only through and with the approval of the commission.

Purpose

18903. It is the purpose of this act to provide the means for eliminating duplication and overlapping in state building regulations and not to substitute the State Building Standards Commission for the responsibilities now vested by law in various state agencies. To that end each state agency concerned shall continue to prepare such building regulations as it is authorized and finds necessary, but such regulations shall not be effective until approved and published by the State Building Standards Commission.

18904. The commission may withhold approval and require change in any proposed regulation only if it finds conflict or overlapping between proposed and existing regulations. The commission shall not require any substantive change not involving conflict or overlapping, nor may it withhold approval on substantive grounds alone.

18905. The responsibility for enforcing or supervising the enforcing of state building regulations shall remain in departments as vested by law.

18906. Within six months after the taking effect of this act the State Building Standards Commission in cooperation with all departments concerned, shall promulgate and publish a State Building Standards Code which shall supersede all then existing regulations issued by individual state departments. Thereafter the commission may approve and publish amendments to the code not oftener than once each 90 days, except that by three-fourths vote of all its members the commission may find that an emergency exists and may then adopt and publish amendments as needed. Publication of State Building Standards Code

18907. The members of the State Building Standards Commission shall serve without compensation. The necessary technical and clerical assistance for the preparation and publishing of the State Building Standards Code shall be provided by the state departments whose directors are members of the commission and by the Division of Administrative Procedure. Members of the commission who are not state officers shall be paid actual necessary travel expenses, to be shared by the state departments represented on the commission. The code and its amendments shall be published by the Division of Administrative Procedure after approval by the Building Standards Commission

18908 The State Building Standards Code and all amendments to it shall be published in suitable loose-leaf form and shall be made available to the public at reasonable cost The State Department of Professional and Vocational Standards shall notify all licensees in affected professions or industries regulated by that department of the availability of the code and of its amendments. It shall be the duty of each state department concerned and of each city or county to have an up-to-date copy of the code available for public inspection.

18909. The commission shall biennially submit a report of its activities, together with recommendations for legislation, to the Governor and the Legislature. Biennial report

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CHAPTER 1501

An act to validate the expenditure of certain major city street funds by the City of South San Francisco.

[Approved by Governor June 29, 1953 Filed with Secretary of State June 30, 1953] In effect September 9, 1953

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

SECTION 1. The expenditure by the City of South San Francisco of the sum of twelve thousand dollars ($12,000) out of the major city street moneys heretofore apportioned and advanced to the City of South San Francisco during the fiscal year ending June 30, 1950, for the construction of that certain Validation of expenditure

highway project described as Project No. 17 of the major city street fund budget of said city in the memorandum of agreement between the City of South San Francisco and the Department of Public Works, on file in the Office of the Department of Public Works of the State of California, is hereby validated, ratified and confirmed.

CHAPTER 1502

An act to amend Section 69653 of the Government Code, relating to compensation of judges of the Superior Court of Imperial County.

In effect September 9, 1953

[Approved by Governor June 30, 1953. Filed with Secretary of State July 1, 1953.]

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

SECTION 1. Section 69653 of the Government Code is amended to read:

Imperial County Judges salaries

69653. The annual salary of each judge of the Superior Court of the County of Imperial is fourteen thousand dollars ($14,000).

CHAPTER 1503

An act to add Sections 32 and 23705 to the Revenue and Taxation Code, relating to claims for tax exemption.

In effect September 9, 1953

[Approved by Governor June 29, 1953. Filed with Secretary of State July 1, 1953.]

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

SECTION 1. Section 32 is added to the Revenue and Taxation Code, to read:

Loyalty statement in tax exemption claim

32. Any statement, return, or other document in which is claimed any exemption, other than the householder's exemption, from any property tax imposed by this State or any county, city or county, city, district, political subdivision, authority, board, bureau, commission or other public agency of this State shall contain a declaration that the person or organization making the statement, return, or other document does not advocate the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means nor advocate the support of a foreign government against the United States in event of hostilities. If any such statement, return, or other document does not contain such declaration, the person or organization making such statement, return, or other document shall not receive any exemption from the tax to which the statement, return, or other document pertains. Any person or organization who makes such declaration knowing it

to be false is guilty of a felony. This section shall be construed so as to effectuate the purpose of Section 19 of Article XX of the Constitution. Purpose

SEC. 2. Section 23705 is added to said code, to read:

23705. Any statement, return, or other document in which is claimed any exemption allowed by this article shall contain a declaration that the organization making the statement, return, or other document does not advocate the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means nor advocate the support of a foreign government against the United States in event of hostilities. If any such statement, return, or other document does not contain such declaration, the organization making such statement, return, or other document shall not receive any exemption allowed by this article. Any organization which makes such declaration knowing it to be false is guilty of a felony. This section shall be construed so as to effectuate the purpose of Section 19 of Article XX of the Constitution.

If not otherwise required to do so, any organization claiming to be exempt under this article shall annually, on or before March 15th, file a statement, return, or other document establishing its right to the exemption and containing the declaration set forth in the last paragraph.

CHAPTER 1504

An act to amend Section 14495.2 of the Education Code, relating to contributions to the State Teachers' Retirement System for time members were absent in military service or in Red Cross service.

[Approved by Governor June 30, 1953. Filed with Secretary of State July 1, 1953.] In effect September 9, 1953

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

SECTION 1. Section 14495.2 of the Education Code is amended to read:

14495.2. Notwithstanding anything contained in this article, members of this system shall not be required to contribute to the Permanent and Retirement Annuity Funds on the basis of service credited under Section 14449 for time they are absent without compensation; provided, they return or have returned to an employment required for membership in this system within six months after the effective date of this section, or within six months after the termination of such service, whichever is later. Contributions to teachers' retirement system

If the member was also a member of a local retirement system, the retirement system shall pay, from the Retirement Annuity Fund, to the member, at the time of his retirement, or to

the local district maintaining the local system if the local district made local system contributions on the basis of service credited under the local system for time included under Section 14449, an amount equal to the annuity contributions which except for this section would be required of said member under Section 14495 on account of said service credited under the local retirement system, but not to exceed contributions made by him or the local district to the local system on account of such service. Regular interest from the effective date of this section to the time of such payment, shall be included in such payment. The State shall contribute annually to the Retirement Annuity Fund the amounts required to be paid from said fund to local districts under this paragraph.

Any such member who exercises or did exercise the right to contribute to the system for the period of such service shall have such contributions refunded with credited interest on annuity contributions.

Any employing agency which made the contributions for the member either during his absence or after his return to employment shall have such contributions refunded with credited interest on annuity contributions.

This section shall be retroactively applied to extend its benefits to all members of this system who were absent on military service, in the service of such auxiliary, or in the service of the Red Cross on or after September 16, 1940, and shall be retroactively applied for the period beginning September 16, 1940, to all members of this system whose absence for such reasons began before September 16, 1940; provided, individuals in either class return, or have returned to an employment required for membership in this system within six months after the effective date of this section, or within six months after the termination of such service, whichever is later.

Contributions by the State and payments by the retirement system pursuant to, or as a result of, this section shall not be made for any period of time after January 1, 1950, for any member who has not returned to an employment required for membership in this system prior to that date, except that contributions by the State pursuant to this section may be made for any member who returned to an employment required for membership in this system from military service prior to January 1, 1950, and subsequently re-entered or re-enters the military service and for any member who enters or has entered the military service on or after January 1, 1950, for the period of his military leave of absence.

CHAPTER 1505

An act to amend Section 28141 of the Government Code, relating to compensation for public service in counties of the forty-first class

[Approved by Governor June 30, 1953. Filed with Secretary of State July 1, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 28141 of the Government 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 Salaries

(a) The auditor, eight hundred dollars ($800) a year.

Auditor

(b) The district attorney, six thousand dollars ($6,000) a year.

District attorney

(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.

Supervisors

(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.

CHAPTER 1506

An act to amend Section 31 of the Municipal Water District Act of 1911, relating to municipal water districts comprised of land in two or more counties.

In effect September 9, 1953

[Approved by Governor June 30, 1953. Filed with Secretary of State July 1, 1953.]

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

SECTION 1. Section 31 of the act cited in the title hereof is amended to read:

Multi-county municipal water district procedures

Sec. 31. Notwithstanding other provisions of this act, districts formed thereunder may contain lands situate in more than one county and an existing district may annex lands situate in another county or counties. In either such case the lands need not be contiguous. Procedure relating to formation, annexation, disorganization, disincorporation, exclusion, fiscal matters and taxation shall conform as near as may be to such provisions with respect to districts containing lands located in one county, subject to the following provisions:

(a) Procedure relating to petitions and supplemental petitions prior to formation shall be filed with the county clerk of the principal county, who shall present petitions found and certified by him to be sufficient to the board of supervisors of the principal county; the board of supervisors of the principal county shall perform all functions pertaining to formation of the district in the same manner, insofar as is possible, as the board of supervisors of a county with respect to a district to be situated entirely within that county.

(b) A majority of the votes cast in each county at the formation election must be in favor of organizing the district.

(c) The secretary of the board of directors of any district containing land in more than one county shall perform all duties prescribed by law to be performed by county clerks or registrars of voters, as the case may be, in connection with district elections and such duties of county clerks as are required by this act which relate to annexation, disorganization, disincorporation and exclusion, and, where necessary, such secretary is authorized to procure from the proper county officials all requisite registration books and copies of indexes thereof; all papers required by this act to be filed with a county clerk shall be filed with said secretary and the board of directors shall perform all duties prescribed by law to be performed by boards of supervisors in connection with district elections and such duties as are required by this act which relate to annexation, disorganization, disincorporation and exclusion of territory.

(d) Immediately after equalization and not later than the fifteenth day of August of each year, it shall be the duty of

the auditor of each county wherein such district or any part thereof shall lie, to prepare and deliver to the secretary of the district or such other officer thereof as may be designated by the board of directors therefor a certificate showing the assessed valuation of all property within the district lying within the county. Thereafter, the board of directors shall make the certification and statement, and issue the directions, as required by Section 24 of this act. After collection of taxes by the proper county officers at the rate specified, such officers shall pay the moneys received therefrom to the district.

Whenever an improvement district within a municipal water district is itself located in two or more counties, the method and procedure for the apportionment of district taxes between counties shall apply to such improvement district.

(e) Whenever provision is made in this act for notice within a county, it shall be construed to require notice within each county in which district lands are located.

(f) "Principal county" as used in this section means the county in which the greater portion of land of a district or a proposed district is located.

CHAPTER 1507

An act to amend Section 25653 of the Water Code, relating to irrigation districts.

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

In effect September 9, 1953

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

SECTION 1. Section 25653 of the Water Code is amended to read as follows:

25653. The annual assessment may include a levy sufficient to raise any or all of the following:

Irrigation district annual assessment

(a) The amount that the board determines is necessary for a depreciation fund for the replacement or reconstruction of any specific units of its works.

(b) The amount that the board determines is necessary, not to exceed 4 percent of the aggregate value of the land according to the latest equalized assessment, and not otherwise provided for, to pay for the maintenance and operation of the district for the ensuing calendar year.

(c) The amount that the board determines is needed to be raised by assessment for any other district purposes not exceeding 4 percent of the aggregate value of the land according to the latest equalized assessment

(d) An amount not exceeding 1 percent of the total assessed value of the land that the board deems proper to pay into the bond fund to be used for the purchase of bonds of the district not yet due or for payment into a fund to pay such bonds as they become due.

CHAPTER 1508

An act to add Sections 23242.4 and 23242.5 to the Water Code, relating to irrigation district assessments, and declaring the urgency thereof, to take effect immediately.

In effect immediately

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

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

SECTION 1. Section 23242.4 is added to the Water Code, to read:

Irrigation district contracts with U. S. Assessment apportionment

23242.4. Where a district makes a contract with the United States for a supply of water or for the payment or repayment of construction costs upon a reclamation project, and the United States has theretofore made individual contracts with landowners or entrymen as to land within the district, and such landowners or entrymen have under such individual contracts paid all or a portion of the charges to be paid to the United States upon construction costs or for a water supply, the assessment required in any year to meet the payment due to the United States for all purposes under the contract may be apportioned in whole or in part in accordance with the benefits received by such landowners or entrymen under the contract between the district and the United States. In the levying of district assessments upon the lands of such landowners or entrymen, the amounts already paid by such landowners or entrymen may be taken into consideration in the levying and equalizing of the assessments to the end that such landowners or entrymen may not be required to pay by way of assessment the amounts that such landowners or entrymen may have already paid to the United States under individual contracts.

SEC. 2. Section 23242.5 is added to the Water Code, to read:

23242.5. The contract between a district and the United States may, subject to hearing and equalization as provided herein, determine, or provide for the method of computation of, the benefits accruing to each parcel of land within the district from the agreement of the district to pay the construction charges applicable to such lands to the United States; and such determination or provision in the contract may be amended from time to time.

If the district shall determine to apportion the assessment required in any year to meet the payment due to the United States on account of such construction charges in accordance with such benefits it shall establish for each parcel of land an appropriate period of years over which such benefits should be paid (which periods may be different as to different parcels), and thereby determine the amount applicable to the year in question. The annual assessment on each parcel shall be equal to the amount so determined increased by such a percentage as shall, in the opinion of the board, be deemed sufficient to cover anticipated delinquencies.

The secretary shall thereupon include an announcement of apportionment according to benefits in the notice provided for in Section 25550. At the meetings of the board as a board of equalization it may hear and determine objections to the assessment and order any changes that it deems just. Within 15 days after the close of its session as a board of equalization the board shall levy the assessment, the secretary shall transmit a record thereof to the collector, and thereafter the assessment shall be collected as in the case of other district assessments.

SEC. 3. This is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1, Article IV of the Constitution, and therefore shall go into immediate effect. The facts constituting such necessity are: Urgency

Certain irrigation districts are required by federal reclamation law to assume the pre-existing indebtedness of construction charges levied against the land within their boundaries or forfeit valuable credits In the execution of such contracts it is necessary that provision be made for the equitable adjustment of assessments levied to pay those charges and clarification of existing law is required to insure the legality of this procedure.

CHAPTER 1509

An act making an appropriation to the Regents of the University of California for the planning of a rehabilitation facility as part of the School of Medicine at the University of California at Los Angeles

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

In effect September 9, 1953

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

SECTION 1. The sum of eighty thousand dollars ($80,000) is hereby appropriated to the Regents of the University of California for planning the construction and equipping of a rehabilitation center to serve, if and when built, as a basic teaching and research facility of the School of Medicine at the University of California at Los Angeles and as a part of the University's Medical Center. Appropriation University of California at Los Angeles rehabilitation center

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CHAPTER 1510

An act to repeal Chapters 2 and 15 and Articles 1 and 4 of Chapter 16 of Division 3 of, to add Chapters 2 and 15, and Articles 1 and 4 to Chapter 16, of Division 3 of, to add Chapter 10.1 to Division 4 of, to amend Sections 6703, 6711, 6713, 6803, 6813, 6814, 6815, 6816, 6822, 6823, 6833, 6841, 6854, 6901, 6911, 6921, 6931, 6932, 6933, 6934, 6951, 6961, 7231,

8005, 8007, 8008, 8728, 8815, and 9191 of, to repeal Section 8704 as added by Chapter 401 of the Statutes of 1947, and Section 8704 as added by Chapter 228 of the Statutes of 1951, to repeal Sections 9645, 9617, 9809 of, and to add Sections 6831.1, 8704, 8705, 9707, 9708, 9700.1, 9645, 9617, 9809, and 9809.1 to, the Education Code, relating to the Public School System, and property valuations for the purpose of allocating money to school districts and the adjustment of school district tax rates as a result thereof, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 30, 1953. Filed with Secretary of State July 1, 1953.]

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

Repeal

SECTION 1. Chapter 2 of Division 3 of the Education Code is repealed.

SEC. 2. Chapter 2 is added to Division 3 of said code, to read:

CHAPTER 2. STATE SCHOOL FUND

Article 1. Sources

Assent to federal act

5151. The assent of the State is given to the provisions in the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain," and approved by the President, February 25, 1920

All money derived from bonuses, royalties, and rentals under the act of Congress referred to in this section and apportioned under the act to the State, shall be received by the State Treasurer and by him credited to the State School Fund

Report on daily attendance

5152. The Superintendent of Public Instruction shall report to the Controller, on or before the tenth day of September of each year, the total average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds.

Transfers to State School Fund

5153. The State Controller shall during each fiscal year transfer from the General Fund of the State to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for apportionment during the fiscal year a total amount not less than one hundred eighty dollars ($180) per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds, as certified by the Superintendent of Public Instruction.

He shall also transfer to the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Section 5154 and such additional amounts shall be allowed and apportioned by the Superintendent of

Public Instruction and warrants therefor drawn by the Controller in the manner provided in this chapter and in Chapter 15 of this division.

5154. The amount appropriated in Section 5153 shall be expended in accordance with the following schedule: Allocation of funds

(a) Ninety-four cents ($0.94) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for allowance to county school service funds pursuant to subdivision (a) of Section 7001.

(b) For the Fiscal Years 1953-54 and 1954-55 three dollars and fifty-seven cents ($3 57) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for allowance to county school service funds pursuant to subdivision (b) of Section 7001.

(c) Three dollars and twenty cents ($3.20) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 3, Chapter 15, of this division, except Section 7018.1.

(d) Forty cents ($0.40) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year, for the purposes of Section 7018.1.

(e) Two dollars and twenty-five cents ($2.25) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 12, Chapter 15 of this division.

(f) One dollar ($1) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 13, Chapter 15 of this division.

(g) Five cents ($0.05) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 14, Chapter 15, of this division.

(h) Twelve dollars ($12) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 15, Chapter 15, of this division.

(i) One hundred forty-eight dollars and two cents ($148.02) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, and elementary

schools in the State and county school tuition funds on account of elementary school pupils, plus the difference between eight dollars and fourteen cents ($8.14) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds and one dollar and sixty cents ($1.60) multiplied by the average daily attendance during the preceding fiscal year credited to all high schools in the State and county school tuition funds on account of high school pupils, plus forty-three cents ($0.43) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for basic and equalization aid to be apportioned on account of average daily attendance during the preceding fiscal year credited to all kindergarten and elementary schools in the State and county school tuition funds on account of elementary school pupils.

(j) One hundred forty-nine dollars and sixty-two cents ($149.62) multiplied by the average daily attendance during the preceding fiscal year credited to all high schools in the State and county school tuition funds on account of high school pupils for basic and equalization aid to be apportioned on account of average daily attendance during the preceding fiscal year credited to all high schools in the State and county school tuition funds on account of high school pupils.

(k) One hundred forty-eight dollars and two cents ($148.02) multiplied by the average daily attendance during the preceding fiscal year credited to all junior college schools in the State for basic and equalization aid to be apportioned on account of average daily attendance during the preceding fiscal year credited to all junior college schools in the State

Limitation

5155. If any amount is appropriated by the Legislature in augmentation of any of the purposes set forth in the schedule in Section 5154, the amounts allowed for such purpose to districts and funds under Chapter 15 of this division shall not exceed the amount computed under the formula or provisions of Chapter 15 for such purpose. If the amount in the schedule plus the amount appropriated in augmentation exceeds the total of the amounts so computed for such purpose for all districts and funds, the excess shall be allowed pursuant to Sections 7118 and 7119, as the case may be, for purposes specified in subdivisions (a), (b), (c), (d), (e), (f), (g), and (h) of Section 5154, or pursuant to Sections 7112, 7113, and 7114, as the case may be, for the purposes specified in subdivisions (i), (j) and (k) of Section 5154, whichever section or sections are applicable.

Article 2. Reports and Disbursements

State School Fund account

5201. The Controller shall keep a separate account of the State School Fund, and of the interest and income thereof,

together with such money as is raised by special tax or otherwise for school purposes.

5202. (a) The Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in the months of September, October, November, December, January, February, March, April, May, and June of each year in such amounts as to provide in each warrant one-tenth of the total amount certified by the Superintendent of Public Instruction as apportioned under Sections 7121 and 7122 of this code, subject to the provisions of Sections 7121.1 and 7121.2, during the fiscal year from the State School Fund to the school districts under the jurisdiction of the county superintendent of schools of the county, to the county school service fund, and to the county school tuition fund of the county; provided, however, that apportionments under Section 7122 for transportation and the excess cost of educating physically handicapped minors, mentally retarded minors, and severely mentally retarded minors which have not been certified to the Controller for September, October, and November, and the apportionments under subdivision (a) of Section 7121.2 shall be included in the warrants drawn by the Controller in the month following receipt of the certification by the Superintendent of Public Instruction.

Warrants in favor of county treasurer

(b) The Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in the month of February of each year in the total amount as certified by the Superintendent of Public Instruction as apportioned under subdivision (a) of Section 7123, and in the month of June the total amounts as certified by the Superintendent of Public Instruction as apportioned under subdivision (b) of Section 7121 2, subdivision (b) of Section 7123 and Section 7124.

(c) The drawing of the warrants required to be drawn during any one of the months mentioned may be postponed by the Controller for not to exceed 30 days, but the total amounts due the several counties during any fiscal year shall be paid within the fiscal year. The warrants shall be paid by the State Treasurer from the State School Fund and are not subject to the provisions of Government Code Section 16003

5202.1. If the Superintendent of Public Instruction does not furnish to the Controller, on or before the fifteenth day of September, the certification referred to in subdivision (a) of Section 5202, he shall, not later than said fifteenth day of September, certify to the Controller the total number of units of average daily attendance, computed for each elementary school district, high school district, junior college district, county school service fund and county school tuition funds, during the preceding fiscal year, and the amount to be apportioned to each such school district or fund during the current fiscal year under Articles 5, 6, 7, 8, and 9 of Chapter 15 of Division 3 of this code.

Certification of total daily attendance

During any month specified in subdivision (a) of Section 5202 in which the certification referred to in said section is not furnished to him by the Superintendent of Public Instruction on or before the fifteenth day of such month, the Controller

Advance on amount certified

shall make an advance equal to one-tenth of the amount certified to him under the provisions of this section. The difference between each such advance and the amount payable under subdivision (a) of Section 5202 for that month shall be added to, or subtracted from, as the case may be, the next monthly payment following receipt of the certification referred to in subdivision (a) of Section 5202.

Warrants drawn under this section shall be drawn on the State School Fund and are not subject to the provisions of Government Code Section 16003.

Disposition of moneys received by county treasurer

5203. All moneys received by the treasurer of any county from the apportionments of the State School Fund shall be immediately credited by the treasurer to the county school service fund, the county school tuition fund, and the general funds of the several school districts of the county exactly as apportioned by the Superintendent of Public Instruction.

SEC. 2.1. Section 6703 of said code is amended to read:

Use of apportioned money

6703. (a) Not less than 85 percent of all moneys apportioned to a school district from the State School Fund, allowed as basic state aid and state equalization aid, during any fiscal year must be expended during the same fiscal year for the payment of salaries of persons employed by the district in positions requiring certification qualifications or for the payment of tuition by the district to another district.

(b) In the event it appears to the governing board of a school district that the application of the preceding paragraph of this section during a fiscal year would result in serious hardship to the district, or in the payment of salaries to persons employed by the district in positions requiring certification qualifications substantially in excess of the salaries paid persons employed in positions requiring certification qualifications by other districts of comparable type and functioning under comparable conditions, the board may, with the written approval of the county superintendent of schools having jurisdiction over the district, apply to the Superintendent of Public Instruction in writing not later than July 15th of the succeeding fiscal year for exemption from the requirements of the preceding paragraph of this section for the fiscal year on account of which the application is made. Upon receipt of such application, duly approved, the Superintendent of Public Instruction may grant the district exemption, to the extent deemed necessary by him, from such requirements for the fiscal year on account of which the application is made.

(c) If any portion of the 85 percent of the money is not expended as required by subsection (a) and is not exempted under subsection (b), the county superintendent of schools having jurisdiction over the district shall add such portion to the 85 percent required to be expended for salaries or tuition for the next succeeding fiscal year or he may transfer 80 percent of such amount to the county school service fund pursuant to Section 7203.

SEC. 2.1. Section 6711 of said code is amended to read:

6711. No school district, other than one newly formed, shall, except as otherwise provided in this article, receive any apportionment from the State School Fund unless it has maintained the regular day schools of the district for at least 175 days during the next preceding fiscal year. Required school term

SEC. 2.1½. Section 6713 of said code is amended to read:

6713. A district which is prevented from maintaining its schools during a fiscal year for at least 175 days because of fire, flood, or epidemic, or because of any order of any military officer of the United States or of the State to meet an emergency created by war, or of any civil officer of the United States, of the State, or of any county, city and county, or city authorized to issue such order to meet an emergency created by war, or because of other extraordinary conditions, or because of inability to secure or hold a teacher, or because of the illness of the teacher, which fact shall be shown to the satisfaction of the Superintendent of Public Instruction by the affidavits of the members of the governing board of the school district and of the county superintendent of schools, shall receive the same apportionment from the State School Fund as it would have received had it not been so prevented from maintaining school for at least 175 days. District unable to maintain schools for prescribed time

SEC. 2.2. Section 6813 of said code is amended to read:

6813. The minimum school day for pupils of kindergartens is 180 minutes, inclusive of recesses except that if a school district maintains two kindergarten classes on the same day which are taught by the same teacher, the minimum school day for each of such classes shall be 130 minutes inclusive of recesses. Minimum school day

SEC. 2.3. Section 6814 of said code is amended to read:

6814. A day of attendance in a kindergarten is 180 minutes of attendance. Day of attendance

SEC. 2.4. Section 6815 of said code is amended to read:

6815. The minimum school day in grades one, two, and three in elementary schools is 200 minutes. A day of attendance is 200 minutes of attendance.

SEC. 2.5. Section 6816 of said code is amended to read:

6816. The minimum school day in grades four, five, six, seven, and eight in elementary schools and in special day and evening classes of an elementary school district, is 240 minutes. A day of attendance is 240 minutes of attendance. Minimum school day

SEC. 2.6. Section 6822 of said code is amended to read:

6822. The minimum school day in any high school, except in an evening high school, a continuation high school, and in continuation education classes, is 240 minutes. A day of attendance is 240 minutes of attendance.

SEC. 2.7. Section 6823 of said code is amended to read:

6823. In continuation high schools and continuation education classes, a day of attendance is 180 minutes of attendance but no pupil in any such school or class shall be credited with more than 15 hours of attendance in any calendar week. Continuation high schools etc.

SEC. 2 8. Section 6833 of said code is amended to read:

Computation Grades 11 and 12

6833. A day of attendance in grades 11 and 12 is 180 minutes of attendance.

SEC. 2.9. Section 6841 of said code is amended to read:

Day of attendance

6841. Except as provided in this section, in classes for adults, a day of attendance is 180 minutes of attendance but no pupil shall be credited with more than 15 clock hours of attendance during any one school week unless he is enrolled in a class in citizenship or in a trade or industrial subject as trade or industrial subject is defined by the State Board of Education.

In classes for adults maintained in any state institution for adults or in any city, county, or city and county jail, road camp or farm, a day of attendance is 240 minutes of attendance, but no pupil in such a class shall be credited with more than one day of attendance in any calendar day. This paragraph shall apply to the crediting of attendance for apportionments from the State School Fund during the 1954-1955 Fiscal Year and thereafter For the crediting of attendance for such classes for adults for apportionments from the State School Fund during the 1953-1954 Fiscal Year, a day of attendance is 180 minutes of attendance, but no pupil shall be credited with more than 15 clock hours of attendance during any one school week

SEC. 2 10. Section 6854 of said code is amended to read:

Physically handicapped students Attendance crediting

6854. The attendance of physically handicapped pupils instructed by the county superintendent of schools pursuant to Section 9641 shall be credited as follows:

(a) The attendance of pupils taught in emergency elementary schools shall be credited to the emergency schools.

(b) The attendance of elementary school pupils given individual instruction in the home or at the bedside in institutions or by cooperative arrangement with the Bureau of Vocational Rehabilitation of the State Department of Education shall be credited to an emergency elementary school maintained for physically handicapped pupils, if such a school is maintained in the county, or if no such school is maintained in the county the attendance shall be credited to an emergency elementary school maintained in the county, but not to more than one emergency elementary school. If no emergency school is maintained in the county, the total number of days of attendance of pupils shall be divided by 175 to compute average daily attendance, and the average daily attendance so computed shall be credited to the county school service fund as attendance upon a single emergency elementary school for individual instruction of physically handicapped children.

(c) The attendance of pupils of secondary grade given individual instruction in the home or in institutions or by cooperative arrangement with the Bureau of Vocational Rehabilitation of the State Department of Education, or instructed in special classes of secondary grade, shall be credited to the county school service fund.

(d) The attendance of pupils taught by emergency teachers in the regular schools of the districts of any county shall be

credited to the districts, except that the attendance of pupils taught by emergency teachers pursuant to Section 9607 3 in the regular schools of the district of any county shall be credited to the county school service fund in accordance with subdivision (b) of this section.

(e) The attendance of pupils residing in one county and educated under contract with the county superintendent of schools or governing board of a school district of another county, shall be credited to the county school service fund of the county, or district, in which the pupils are educated

SEC. 2.11. Section 6901 of said code is amended to read:

Computation of average daily attendance

6901. Where in a high school, junior college, or elementary school four terms of school of at least 12 weeks each are maintained during a fiscal year, and where the course of instruction is so arranged that students may complete a full year's work in any three terms, the total number of days of pupils attendance shall be divided by the greatest number of days school was actually taught in any three of the four terms, but in no case shall the divisor be less than 175.

SEC. 2 12. Section 6911 of said code is amended to read:

Elementary schools

6911. The units of average daily attendance in the elementary schools of a district for a fiscal year shall be computed by dividing the total number of days of pupils attendance in all kindergarten and elementary schools and classes of the district during the fiscal year by the number of days school was actually taught in the regular day elementary schools of the district during the fiscal year, plus the units of average daily attendance credited to the district on account of the education of seventh and eighth grade pupils in a junior high school pursuant to Section 6944.

SEC. 2.13. Section 6921 of said code is amended to read:

Emergency schools

6921. The units of average daily attendance for a fiscal year in an emergency school maintained by the county superintendent of schools shall be computed by dividing the total number of days of pupils attendance in the emergency school during the fiscal year by 175.

SEC. 2.14. Section 6931 of said code is amended to read:

Elementary physically handicapped pupils

6931. The average daily attendance of physically handicapped elementary pupils given instruction by a county superintendent of schools and whose attendance is credited to the county school service fund, shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175.

SEC. 2 15. Section 6932 of said code is amended to read:

Secondary physically handicapped pupils

6932. The average daily attendance of physically handicapped pupils of secondary grade given instruction by a county superintendent of schools and whose attendance is credited to the county school service fund, shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175.

SEC. 2.16. Section 6933 of said code is amended to read:

Mentally retarded minors

6933. The average daily attendance of mentally retarded minors given instruction by a county superintendent of schools shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175 and the average daily attendance so computed shall be credited to the county school service fund.

SEC. 2.17. Section 6934 of said code is amended to read:

Juvenile hall, etc., pupils

6934. The average daily attendance of pupils attending an elementary school or secondary school maintained by a county superintendent of schools for the education of persons in a juvenile hall or in a juvenile home or camp, shall be computed by dividing the total days of pupils attendance in the school during the fiscal year by 175 and the average daily attendance so computed shall be credited to the county school service fund.

SEC. 2.18. Section 6951 of said code is amended to read:

Pupils attending school in adjoining state

6951. The average daily attendance for the fiscal year of pupils residing in any county of this State and attending a school in an adjoining state under Chapter 16 of this division, shall be computed by dividing the total number of days of attendance of such pupils in the school by the number of days the school was maintained during said fiscal year, but by not less than 175, and the average daily attendance so computed shall be credited to the county school tuition fund.

SEC. 2.19. Section 6961 of said code is amended to read:

Grades 13 and 14

6961. The units of average daily attendance in grades 13 and 14 in each junior college of a district for a fiscal year shall be computed by dividing the total number of whole or partial class hours of pupils attendance in the junior college during the fiscal year by 525. The class hour unit for the purposes of this section is defined as not less than 50 minutes exclusive of passing time. The State Board of Education may define partial class hours and make rules concerning the computation thereof.

SEC. 2.20. Section 6803 of said code is amended to read:

Total days of attendance

6803. The total days of attendance of a pupil upon a regular full-time day kindergarten, elementary school, high school, junior college, or schools or classes maintained by the county superintendent of schools during the fiscal year shall be the number of days school was actually taught for not less than the minimum school days during the fiscal year less the sum of his absences due to causes other than his illness. Absence due to illness shall be verified by the district or the county superintendent of schools in such manner as the Superintendent of Public Instruction shall require.

SEC. 2.21. Section 6831.1 is added to said code, to read:

Maximum attendance in grades 13 and 14

6831.1. In any district maintaining the 13th and 14th grades the pupils in such grades shall not be credited, on a district average, with more than 630 class hours of attendance during any fiscal year, exclusive of attendance at summer schools. The provisions of this section shall apply in crediting attendance for apportionments made during the 1954-1955 Fiscal Year and thereafter.

The department shall adopt such regulations as may be necessary to carry out the provisions of this section.

SEC. 3. Chapter 15 of Division 3 of said code is repealed. Repeal

SEC. 4. Chapter 15 is added to Division 3 of said code, to read:

CHAPTER 15. ALLOWANCES AND APPORTIONMENTS FROM THE STATE SCHOOL FUND

Article 1. General Provisions

7000. For the purposes of Articles 4, 7, 8, 9, 10, 11, 16, and 17, of this chapter:

(a) Each elementary school district shall be deemed to comprise the kindergartens and grades 1 to 8, inclusive, maintained by the district, and the seventh and eighth grades of the district not maintained by the district because of the attendance upon a junior high school of pupils who would otherwise attend upon seventh and eighth grades maintained by the district. Elementary school district

(b) Each high school district shall be deemed to comprise all of grades 9 to 12, inclusive, maintained within the high school district whether maintained by a high school district or by a junior college district. High school district

(c) Each junior college district shall be deemed to comprise the 13th and 14th grades maintained by the district. Junior college district

(d) Each high school district maintaining grades 13 and 14 shall be deemed to be a junior college district comprising grades 13 and 14. High school district maintaining grades 13 and 14

(e) Each unified school district shall be deemed to be an elementary school district comprising the kindergartens and grades 1 to 8, inclusive, maintained by the district and the seventh and eighth grades of the district not maintained by the district in elementary schools because of the attendance upon a junior high school of pupils who would otherwise attend the seventh and eighth grades maintained in elementary schools by the district, and a high school district comprising all of grades 9 to 12, inclusive, and a junior college district comprising the 13th and 14th grades maintained by the district. Unified school district

7000.1. Whenever in any section of this chapter any computation is required to be made which is based in whole or in part on the assessed valuation of a school district as shown by the equalized assessment roll of the district for the preceding year or preceding fiscal year, there shall be substituted for such assessed valuation, as to such computation, a sum determined by adding to such assessed valuation an amount which would, if the current tax rate, as defined in Section 7000.2, of such district were levied on such added amount, produce or will produce 40 percent of the equivalent of all federal funds as federal funds are defined in subdivision (a) of Section 7000.3, 40 percent of the equivalent of all federal funds as federal funds are defined in subdivision (b) of Section 7000.3 and 75 percent of Substitute for assessed valuation

the equivalent of all miscellaneous funds as miscellaneous funds are defined in Section 7000.4, received or to be received by such district for the fiscal year for which such added amount was determined.

Should the amount of federal funds as defined in Section 7000.3 actually received by a school district for any fiscal year be more or less than that reported for such district by the United States Commissioner of Education to the Superintendent of Public Instruction, the Superintendent of Public Instruction shall during the fiscal year next succeeding that in which the district has received all of the federal funds actually paid the district for the first mentioned fiscal year, withhold from, or add to, the apportionment made to the district from the State School Fund the amount of the excess or deficiency, as the case may be, in the apportionment from the State School Fund for the preceding year.

"Current tax rate"

7000 2. "Current tax rate" as used in Section 7000.1 shall mean the total of the rates of school district taxes levied for any school district and rates of municipal taxes levied for school purposes of such district in the fiscal year for which such added amount of assessed valuation is determined on each one hundred dollars ($100) of assessed valuation within the district or municipality, as the case may be, other than rates of tax levied under Sections 4963.2, 5063, 6357.2, 7516, 7736 and 19613 6.

"Federal funds"

7000 3. "Federal funds" as used in Section 7000.1 means:

(a) 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 the Fiscal Year 1951-52 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.

(b) For the Fiscal Year 1952-53 and for each subsequent fiscal year the amount the United States Commissioner of Education has determined and reported to the Superintendent of

Public Instruction that the district has received or will receive for a fiscal year under Section 3, exclusive of increases in local contribution rates made because of unusual geographic factors, and under subsection (c) of Section 5 of the act of Congress entitled "An act to provide financial assistance for local educational agencies in areas affected by federal activities, and for other purposes," approved September 30, 1950 (Public Law 874—Eighty-first Congress), or under any similar provisions of any other act of Congress.

"Miscellaneous funds"

7000.4. "Miscellaneous funds" as used in Section 7000.1 means for the Fiscal Year 1952-53 and for each subsequent fiscal year the amount the county superintendent of schools has determined and reported to the Superintendent of Public Instruction in accordance with regulations the Superintendent of Public Instruction is hereby authorized to adopt that the district has received and which has been deposited to the credit of the general fund of the district for a fiscal year on account of in-lieu taxes or income from bonuses, royalties, rentals or any other income from district property or property within the district or State not being assessed for tax purposes and not being used for school purposes. Federal Forest Reserve funds received by a district shall not be considered miscellaneous funds as defined by this section.

Article 2. Computation of Allowances to County School Service Funds for Supervision of Instruction and Budget Purposes

Total amount allowed to county

7001. The Superintendent of Public Instruction shall during each fiscal year allow to the county school service fund of each county from the State School Fund such amounts as the budget submitted by the county superintendent of schools and approved by the Superintendent of Public Instruction, under Section 7002, shows is necessary, but:

(a) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for supervision of instruction in all grades and classes of elementary school districts shall not exceed the sum provided by law for such purpose or the amounts shown necessary by such budgets, for such purpose, whichever is the lesser.

(b) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for all other purposes, including additional supervision of instruction in grades and classes of elementary districts and supervision of instruction in grades and classes of high school districts or junior college districts, shall not exceed the sum provided by law for such purpose or the amounts shown necessary by such budgets, whichever is the lesser

Budget

7002. The county superintendent of schools shall on or before April 1st of each year submit to the Superintendent of Public Instruction a budget for the succeeding fiscal year, in such form as the Superintendent of Public Instruction shall

prescribe, setting forth all known and estimated revenues of the county school service fund for such fiscal year from all sources, and the proposed expenditures from the county school service fund for such fiscal year. The budget shall be approved by the Superintendent of Public Instruction. No allowance shall be made under this article to a county superintendent of schools for any item of current expenses or capital outlay with respect to which the county superintendent has failed to comply with the regulations of the Superintendent of Public Instruction which he is herewith authorized to adopt applicable to such item. The regulations adopted by the Superintendent of Public Instruction hereunder shall not be limited to, but shall, among other matters:

Regulations

(a) Prescribe procedures relating to budgeting, purchasing and replacing capital outlay items.

(b) Prescribe procedures relating to the purchase, replacement, operation and maintenance of automotive equipment.

(c) Prescribe the conditions under which the county superintendent of schools may provide services to districts by contract.

(d) Prescribe the conditions under which allowances may be made to the county superintendent of schools to contract for the services of special consultants.

(e) Prescribe the conditions under which allowances may be made to the county superintendent of schools to assume functions authorized by law to be performed either by the county superintendent of schools or another public agency.

(f) Prescribe conditions under which allowances will be made to meet conditions of an emergency nature requiring the establishment and maintenance of emergency schools, the providing of emergency teachers for regular elementary schools, the providing of emergency transportation to regular elementary schools, or emergency apportionments to school districts.

(g) Define county school service fund publications and prescribe the procedures to be followed relating to budgeting, printing and distributing such publications.

(h) Establish, solely for budget approval purposes, a classification of county school service fund personnel and a salary schedule for each classification

(i) Establish and prescribe formulae for the sole purpose of guidance in determining the amount that may be allowed each county superintendent of schools.

Upon the approval of the budget by the Superintendent of Public Instruction, he shall note his approval thereon and transmit one copy thereof to the county superintendent of schools and one copy to the county auditor of the county.

Inclusion of school superintendent's partial salary

7003. The budget submitted pursuant to Section 7002 shall include an amount of two thousand four hundred dollars ($2,400) to be used exclusively for the partial payment of the annual salary of the county superintendent of schools. Such amount shall be paid for such purpose from the allowance made to the county school service fund pursuant to Section 7001.

Article 3. Computation of Allowances to School Districts and County School Service Funds for Transportation

7011. The Superintendent of Public Instruction shall not allow under this article, except under Section 7018.1, during any fiscal year a total amount in excess of the amount provided by law. Maximum allowance

7011.1. The Superintendent of Public Instruction shall allow to each school district and county school service fund such amount as is required by this article. Mandatory allowance

7012. (a) "Transportation" as used in this article means, unless the context otherwise requires: "Transportation"

(1) The transportation of pupils between their homes and the schools attended by them as provided by a school district.

(2) The payment of moneys by a school district to parents or guardians of pupils in lieu of providing for the transportation of such pupils between their homes and the schools attended by them.

(3) The providing of board and lodging to pupils by a school district in lieu of providing for the transportation of such pupils between their homes and the schools attended by them.

(b) "Pupils" as used in this article does not include pupils for whom the Superintendent of Public Instruction determines excess costs under Section 9617. "Pupils"

(c) "Total current expenses of transportation" as used in Sections 7014, 7015, and 7016 does not include current expenses for the transportation of pupils for whose transportation the Superintendent of Public Instruction makes an allowance to the district under Section 7018.1. "Total current expenses of transportation"

7013. The Superintendent of Public Instruction shall make all allowances under this article during a fiscal year in accordance with regulations, not in conflict with this article, adopted by him, and he is hereby authorized and directed to adopt such regulations None of such regulations shall be binding upon any school district, but no allowance shall be made under this article to a school district for any item of current expense or capital outlay with respect to which the school district has failed to comply with the regulations of the Superintendent of Public Instruction applicable to such item. Regulations re allowances

The regulations adopted by the Superintendent of Public Instruction hereunder shall, among other matters:

(a) Prescribe the records to be kept by, and reports to be made by, school districts.

(b) Fix the minimum distances for the sole purpose of determining the total current expenses of a district for transportation.

(c) Determine what expenditures constitute "current expenses."

(d) Establish and prescribe formulae for the sole purpose of computing financial allowances under which school busses may be acquired in accordance with the provisions of Section 7017.

(e) Provide for the review and approval of all expenditures upon which allowances are computed.

(f) Establish and prescribe formulae for the sole purpose of computing financial allowances for reimbursement of replacement expenses incurred by a school district in replacing school busses.

Computation of allowance

7014. (a) He shall allow to each elementary school district, high school district, and junior college district, except as to any to which subsections (b), (c) and (d) of this section or Section 7016 is applicable, which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the district for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than two cents ($0.02) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than eight cents ($0.08) of the computed tax rate less two cents ($0.02) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of eight cents ($0 08).

(b) He shall allow to each high school district maintaining a junior college, except as to any to which Section 7016 is applicable, which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than three cents ($0 03) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than twelve cents ($0.12) of the computed tax rate less three cents ($0.03) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of twelve cents ($0.12).

(c) He shall allow to each elementary school district which is not a part of a high school district and which during the preceding fiscal year provided for the transportation of pupils to the elementary schools of the district and to one or more high schools in other districts an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred

dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents ($0.04) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than sixteen cents ($0.16) of the computed tax rate less four cents ($0.04) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of sixteen cents ($0.16).

If an elementary district which is not a part of a high school district provides only for the transportation of pupils to a high school, an amount shall be computed as provided in subdivision (a) of this section.

(d) He shall allow to each high school district not a part of any junior college district which during the preceding fiscal year provided for the transportation of pupils to the high schools of the district and pupils attending junior colleges maintained by other districts an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents ($0.04) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than sixteen cents ($0.16) of the computed tax rate less four cents ($0.04) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of sixteen cents ($0.16).

If a high school district which is not a part of a junior college district provides only for the transportation of pupils to a junior college, an amount shall be computed as provided in subdivision (a) of this section.

Same Unified districts

7015. (a) He shall allow to each unified school district formed under the provisions of Chapter 16 of Division 2 of this code, the formation of which became effective on July 1, 1948, or thereafter, an amount equal to the total current expenses of the district during the preceding fiscal year for the transportation of pupils, determined by the Superintendent of Public Instruction to have been required because of a change of the location of schoolhouses or the reorganization of attendance centers within the district during such preceding fiscal year. No allowance shall be made under this paragraph subsequent to the close of the fifth fiscal year following that in which the district was formed and thereafter the provisions of subsection (b) or (c) of this section shall control as to such district.

(b) He shall allow to each unified school district not maintaining a junior college which during the preceding fiscal year

provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the district for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than three cents ($0.03) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than twelve cents ($0.12) of the computed tax rate less three cents ($0.03) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of twelve cents ($0.12).

(c) He shall allow to each unified school district maintaining a junior college which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the district for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents ($0.04) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than sixteen cents ($0.16) of the computed tax rate less four cents ($0.04) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of sixteen cents ($0.16).

Same. Joint transportation systems

7016. He shall compute for each group of two or more school districts which have been continuously from a time prior to July 1, 1949, governed by boards of identical personnel during the preceding fiscal year and have maintained a single transportation system for all of such districts which provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year.

(a) He shall, if such group comprises an elementary school district and a high school district not maintaining a junior college and each district provided for the transportation of pupils, or comprises an elementary school district, a high school district, and a junior college district and each district except the junior college district provided for the transportation of pupils, or comprises a high school district and a junior college district and each district provided for the transportation of pupils, then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of that one of such districts providing for the transportation of pupils which

has the largest assessed valuation as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than three cents ($0.03) he shall allow the district (1) 50 percent of the amount which would be produced by not more than twelve cents ($0.12) of the computed tax rate less three cents ($0.03) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of twelve cents ($0.12).

(b) He shall, if such group comprises an elementary school district, and a high school district maintaining a junior college, each of which provided for the transportation of pupils, including those attending the junior college, or comprises an elementary school district, a high school district, and a junior college district, each of which provided for the transportation of pupils, then determine what rate of tax levied on each one hundred dollars ($100) of 90 percent of the assessed valuation of that one of such districts providing for the transportation of pupils which had the largest assessed valuation as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents ($0.04) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than sixteen cents ($0.16) of the computed tax rate less four cents ($0.04) and (2) 100 percent of the amount which would be produced by the computed tax rate in excess of sixteen cents ($0.16).

He shall then allow to each district in the group the same ratio of the total amount computed for the group as the governing boards of the districts in the groups certify to him is the ratio the amount expended for such transportation in such district during the preceding fiscal year was of the total expenditures of all districts in the group for such transportation during the preceding fiscal year.

Unified school district. Cost of busses

7017. In the case of a unified school district formed under Chapter 16 of Division 2 of this code, the formation of which became effective for all purposes on July 1, 1948, or thereafter, there shall be included in addition to the current expenses of transportation of the district the cost of such school busses for the first five fiscal years in which it purchases school busses as are determined by the Superintendent of Public Instruction to have been required because of changes in the location of schools or the reorganization of attendance centers within the district. This paragraph shall not be effective as to any unified school district after the end of the fifth fiscal year succeeding the formation of the district.

Standards of approval

7018. The Superintendent of Public Instruction in approving, under this article, current expenses of school districts for the transportation of pupils shall apply the same standards and bases for such approval to expenditures for such transportation

provided by a school district in school busses owned and operated by the school district and expenditures for such transportation provided by contract with a private party.

Maximum allowance

7018.1. (a) The Superintendent of Public Instruction shall not allow under this section during any fiscal year a total amount in excess of the amount provided by law.

Allowance for special students

(b) In addition to all other amounts allowed to a school district under this article, the Superintendent of Public Instruction shall allow to each school district an amount equal to the current expense of the district during the preceding fiscal year of transporting blind, deaf, cerebral palsied, and orthopedically handicapped minor pupils and mentally retarded minors who come within the provisions of Section 9801.2, to and from special day classes but not in excess of three hundred fifty dollars ($350) for each unit of average daily attendance of such pupils during the next preceding fiscal year resulting from the attendance of such pupils on the special day classes to and from which they were transported by the district.

Same County service fund

(c) The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to the current expense of the county superintendent of schools during the preceding fiscal year of transporting blind, deaf, cerebral palsied, and orthopedically handicapped minor pupils and mentally retarded minors who come within the provisions of Section 9801.2, to and from special day classes but not in excess of three hundred fifty dollars ($350) for each unit of average daily attendance during the next preceding year resulting from the attendance of such pupils on the special day classes to and from which they were transported by the county superintendent of schools.

(d) If the total amount which may be allowed under subdivision (a) during any fiscal year is less than the total allowances computed under subdivisions (b) and (c), the amounts allowed shall be reduced proportionately.

(e) If the total amount which may be allowed under subdivision (a) during any fiscal year is more than the total allowances computed under subdivisions (b) and (c), the balance shall be apportioned pursuant to Section 7118.

Recomputation

7019 (a) In the event that the total amount which may be allowed under Section 7011 during any fiscal year is less than the total allowances computed under Sections 7014, 7015, 7016, and 7017, the amount allowed shall be successively recomputed by adding one-tenth of one cent ($0.001) to the lower tax rates provided for in Sections 7014, 7015, and 7016, respectively, until there is no deficit. Any balance remaining shall be allowed pursuant to Section 7119.

(b) In the event the total amount which may be allowed under Section 7011 during any fiscal year is more than the total allowances computed under Sections 7014, 7015, 7016, and 7017, the balance shall be allowed pursuant to Section 7119.

Article 4. Computation of Foundation Program for School Districts

7031. The Superintendent of Public Instruction shall compute for each school district the amount of a foundation program of school support therefor, in the manner prescribed by this article. Foundation program

7031.1. With respect to any unified school district which became effective for all purposes between July 1, 1951, and July 1, 1952, inclusive, and any unified district not formed under Chapter 16 of Division 2 of this code and which became effective for all purposes on July 1, 1953, the foundation program for such district as computed under this article shall be increased five dollars ($5) for each unit of average daily attendance in each of the first five fiscal years of its existence for all purposes. Same Unified district

7031.2. With respect to any unified district formed under Chapter 16 of Division 2 of this code, which became effective for all purposes on or after July 1, 1953, and which during the year preceding the effective date for all purposes had, in all the districts which were formed into the unified district, an average daily attendance of less than ten thousand (10,000), the foundation program for such district computed under this article shall be increased by 5 percent for the first fiscal year, 4 percent for the second fiscal year, 3 percent for the third fiscal year, 2 percent for the fourth fiscal year, and 1 percent for the fifth fiscal year of its existence.

7031.3. With respect to any unified district formed under Chapter 16 of Division 2 of this code, which became effective for all purposes on or after July 1, 1953, and which during the year preceding the effective date for all purposes had, in all the districts which were formed into the unified district, an average daily attendance of more than ten thousand (10,000) and in which there was not on July 1, 1952, or thereafter a single chief administrative officer and staff that administered the program of education for all the secondary schools and those elementary schools of the district to which were credited 50 percent or more of the average daily attendance during the year preceding the effective date for all purposes in all the districts formed into the unified district, the foundation program for such district computed under this article shall be increased by 5 percent for the first fiscal year, 4 percent for the second fiscal year, 3 percent for the third fiscal year, 2 percent for the fourth fiscal year, and 1 percent for the fifth fiscal year of its existence.

7032. (a) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute five thousand three hundred dollars ($5,300). Computation in elementary school district Attendance less than 26

(b) For each elementary school district which maintained only one elementary school and which had an average daily Attendance 26 to 51

attendance during the preceding fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days school was maintained, he shall compute ten thousand six hundred dollars ($10,600).

Attendance 51 to 76

(c) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least three teachers were hired full time for more than one-half of the days school was maintained, he shall compute fifteen thousand nine hundred dollars ($15,900).

Attendance 76 to 101

(d) For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 76 or more but less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least four teachers were hired full time for more than one-half of the days school was maintained, he shall compute twenty-one thousand two hundred dollars ($21,200).

Attendance more than 101

7032.1. For each elementary school district which maintained only one elementary school and which had an average daily attendance during the preceding fiscal year of 101 or more, exclusive of pupils attending the seventh and eighth grades of a junior high school, he shall compute an amount determined by multiplying the total average daily attendance by two hundred twelve dollars ($212).

"Necessary small school"

7033. For the purposes of Section 7034, a "necessary small school" is an elementary school with an average daily attendance of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, during the preceding fiscal year maintained by an elementary school district which maintained two or more schools and to which school any of the following conditions apply:

(a) If as many as five pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school in the elementary school with an average daily attendance of less than 101 would be required to travel more than 10 miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

(b) If as many as 15 pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school in the elementary school with an average daily attendance of less than 101 would be required to travel more than five miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

(c) If the Superintendent of Public Instruction grants a request made pursuant to this subdivision. If topographical or

other conditions exist in a district which would impose unusual hardships if the number of miles specified in (a) or (b) were required to be traveled or if during the fiscal year the roads which would be traveled have been impassable for more than an average of two weeks per year for the preceding five years, the governing board of the district may, on or before April 1st, request the Superintendent of Public Instruction, in writing, for an exemption from such requirements or for a reduction in the miles required. The request shall be accompanied by a statement of the conditions upon which such request is based, giving such information in such form as the Superintendent of Public Instruction may require. The Superintendent of Public Instruction shall cause an investigation to be made, and he shall either grant such request to the extent deemed necessary by him or deny the request.

Computation for necessary small school Attendance less than 26

7034. For each district on account of each necessary small school, he shall make one of the following computations, whichever applies:

(a) For each necessary small school which had an average daily attendance during the preceding fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute for the district five thousand three hundred dollars ($5,300).

Attendance 26 to 51

(b) For each necessary small school which had an average daily attendance during the preceding fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district ten thousand six hundred dollars ($10,600).

Attendance 51 to 76

(c) For each necessary small school which had an average daily attendance during the preceding fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school three teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district fifteen thousand nine hundred dollars ($15,900).

Attendance 76 to 101

(d) For each necessary small school which had an average daily attendance during the preceding fiscal year of 76 or more and less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school four teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district twenty-one thousand two hundred dollars ($21,200).

Unnecessary small schools

7035. In the event an elementary school district maintains two or more schools none of which are necessary small schools as defined by Section 7033 and the total average daily attendance in the district for the preceding fiscal year was less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, he shall compute an amount for the dis-

trict using such total average daily attendance in accordance with the provisions of Section 7032.

Seventh and eighth grades

7035.1. For each elementary school district on account of the attendance during the preceding fiscal year of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 6944 and 8763, he shall multiply the average daily attendance in such grades by two hundred twelve dollars ($212).

Two or more schools

7036. For each elementary school district maintaining two or more schools, except those to which Section 7035 applies, he shall compute an amount determined by multiplying the total average daily attendance of the district during the preceding fiscal year, exclusive of the average daily attendance for which a computation was made pursuant to Sections 7034 or 7035.1, by two hundred twelve dollars ($212).

Total Elementary school district

7036.1. The foundation program for each elementary school district maintaining two or more schools shall be the total of the amounts computed for the district pursuant to Sections 7034, 7035, 7035.1, and 7036.

Computation for high school district

7037 For each high school district which had an average daily attendance during the preceding fiscal year of less than 281, he shall compute, except as otherwise provided, thirteen thousand one hundred dollars ($13,100) and in addition five hundred five dollars ($505) for each of the first to eightieth units, inclusive, and one hundred twenty-five dollars ($125) for each of the eighty-first to the three hundredth units, inclusive

No computation shall be made under this section for the average daily attendance of any high school or high school district established after July 1, 1953, without the approval of the Superintendent of Public Instruction. Unless such approval is had, the foundation program for such school or district shall be computed by multiplying the average daily attendance during the preceding fiscal year by two hundred eighty dollars ($280).

7037.1. For each high school district which maintained two or more high schools, he shall compute for the district an amount which shall be determined by allowing for each day high school for which the governing board of the district has provided separate facilities and a separate administrative head and having an average daily attendance during the preceding fiscal year of less than 281 the amount which would otherwise be computed for the district under Section 7037 except that with respect to any such high school maintaining less than four years the amount computed for such high school shall be an amount determined by multiplying the average daily attendance of such high school by two hundred eighty dollars ($280) or the following percentage of the amount computed under Section 7037, whichever amount is the larger:

(a) Fifty-five percent if the high school maintains but one year,

(b) Sixty-five percent if the high school maintains but two years, or

(c) Eighty percent if the high school maintains but three years.

No computation shall be made under this section for any high school established after July 1, 1952, without the approval of the Superintendent of Public Instruction.

7037.2. For each high school district which had an average daily attendance during the preceding fiscal year of 301 or more he shall multiply the average daily attendance, exclusive of the average daily attendance of a day high school having an average daily attendance of less than 301, by two hundred eighty dollars ($280).

Junior college district

7038. For each junior college district he shall multiply the number of units of average daily attendance in grades 13 and 14 computed for the district under Sections 6961 and 6971, subject to the provisions of Section 7149, by three hundred eighty dollars ($380).

Exclusions from computation

7039. For the Fiscal Year 1953-1954 each computation required by this article for high school and junior college districts shall be made after excluding from the average daily attendance of the district for the preceding fiscal year the average daily attendance in classes for adults and in classes for inmates of any state institution for adults or for inmates of any city, county, or city and county jail, road camp or farm for adults during the preceding fiscal year.

For the Fiscal Year 1954-1955, and thereafter, each computation required by this article for high school and junior college districts shall be made after excluding from the average daily attendance for the preceding fiscal year the average daily attendance of adults, as adults are defined in Section 9700.1, and the average daily attendance in classes for inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults during the preceding fiscal year.

Article 5. Computation of Allowances to County School Service Funds for Direct Educational Services

County school service fund

7041. The Superintendent of Public Instruction shall allow, in addition to all other allowances, to the county school service fund:

(a) For all emergency schools maintained in each elementary school district of the county by the county superintendent of schools during the preceding fiscal year, the same amount as he would compute as the foundation program of an elementary school district under Article 4 of this chapter, except that the provisions of Section 7033 shall not apply.

(b) Two hundred eighty dollars ($280) for each unit of average daily attendance of physically handicapped pupils of secondary grade educated by the county superintendent of schools during the preceding fiscal year.

Allowance for special schools, etc.

7042 The Superintendent of Public Instruction shall allow to the county school service fund for all special schools or

classes for mentally retarded minors maintained in each elementary school district of the county by the county superintendent of schools, the same amount as he would compute as the foundation program of an elementary school district under Article 4 of this chapter, except that the provisions of Section 7033 shall not apply.

Elementary schools in juvenile halls, etc

7043. The Superintendent of Public Instruction shall allow to the county school service fund for all elementary schools maintained in juvenile halls, juvenile homes, and juvenile camps by the county superintendent of schools, the same amount as he would compute as the foundation program of an elementary school district under Article 4 of this chapter, except that the provisions of Section 7033 shall not apply.

Secondary schools in juvenile halls, etc

7044. The Superintendent of Public Instruction shall allow to the county school service fund for all secondary schools maintained in juvenile halls, juvenile homes and juvenile camps by the county superintendent of schools, an amount computed by multiplying the average daily attendance in such secondary schools during the preceding fiscal year by two hundred eighty dollars ($280).

Article 6 Computation of Allowances to County School Tuition Funds

Attendance in school in adjoining state

7046. The Superintendent of Public Instruction shall allow to each county school tuition fund one hundred twenty dollars ($120) for each unit of average daily attendance of pupils residing in the county and attending school in an adjoining state during the preceding fiscal year.

Article 7. Computation of Allowances of Basic State Aid for Elementary School Districts

Amount per unit of average daily attendance Elementary school

7051. The Superintendent of Public Instruction shall allow one hundred twenty dollars ($120) to each elementary school district for each unit of average daily attendance therein during the preceding fiscal year as computed for the district under Sections 6911 and 6944, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any elementary school district, to be known as basic state aid.

Article 8. Computation of Allowances of Basic State Aid for High School Districts

High school

7067. (a) The Superintendent of Public Instruction shall allow to each high school district one hundred twenty dollars ($120) for each unit of average daily attendance in the district during the preceding fiscal year as computed under Sections 6943, 6962, and 6971, subject to the provisions of Section 7148, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any high school district, to be known as basic state aid.

(b) For the Fiscal Year 1953-1954 the Superintendent of Public Instruction shall exclude from the computation of allowances provided for in subdivision (a) of this section the average daily attendance during the preceding fiscal year in classes for adults and in classes for inmates of any state institution for adults and of any city, county, or city and county jail, road camp or farm for adults during the preceding fiscal year.

For the Fiscal Year 1954-1955, and thereafter, the Superintendent of Public Instruction shall exclude from the computation of allowances provided by subdivision (a) of this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 9700.1, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

Article 9. Computation of Allowances of Basic State Aid for Junior College Districts

7075. (a) The Superintendent of Public Instruction shall allow to each junior college district one hundred twenty dollars ($120) for each unit of average daily attendance in grades 13 and 14, during the preceding fiscal year as computed for the district under Sections 6961 and 6971, subject to the provisions of Section 7149, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any junior college district, to be known as basic state aid. Junior college

(b) For the Fiscal Year 1953-1954 the Superintendent of Public Instruction shall exclude from the computation of allowances provided for in subdivision (a) of this section the average daily attendance during the preceding fiscal year in classes for adults and in classes for inmates of any state institution for adults and of any city, county, or city and county jail, road camp or farm for adults during the preceding fiscal year.

For the Fiscal Year 1954-1955, and thereafter, the Superintendent of Public Instruction shall exclude from the computation of allowances provided by subdivision (a) of this section the average daily attendance during the preceding fiscal year of adults, as adults are defined in Section 9700.1, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults

Article 10. Computation of District Aid

7081. The Superintendent of Public Instruction shall compute for each district described herein the amount, to be known as district aid, which a tax levied on each one hundred dollars ($100) of 100 percent of the assessed valuation in such district as shown by the equalized assessment roll of the district for the preceding year would produce if levied, if such tax was: Computation of district aid

(a) Sixty cents ($0.60) in an elementary school district.

(b) Forty-five cents ($0.45) in a high school district.

(c) Thirty cents ($0.30) in a junior college district.

Article 11. Computation of Allowances of State Equalization Aid for School Districts

Equalization aid Elementary districts

7091. The Superintendent of Public Instruction shall compare the total of the amounts allowed to, and computed for, each elementary district pursuant to Articles 7 and 10 of this chapter with the amount of the foundation program of school support computed for each such district pursuant to Article 4 of this chapter.

If the total amount allowed to, and computed for, any elementary school district pursuant to Articles 7 and 10 of this chapter is less than the amount of the foundation program of school support computed for such district pursuant to Article 4 of this chapter, he shall add to the amount computed for such district pursuant to Articles 7 and 10 of this chapter such additional amount, to be known as state equalization aid, as may be necessary to equal that computed for such district pursuant to Article 4 of this chapter.

Except for any elementary school district which was in existence on or before July 1, 1925, and in which district there was levied a tax for the preceding year of an amount not less than five cents ($0 05) less than the maximum tax rate prescribed for the district by Section 6357, the amount allowed under this article, beginning with the Fiscal Year 1955-56, to an elementary school district having an average daily attendance during the preceding fiscal year of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, shall not be more than the amount that would have been computed under Section 7091 had the foundation program for the district been computed under Section 7032.1, except that to this allowance shall be added an amount for the Fiscal Year 1955-56 equal to 80 percent, reduced by an additional 20 percent in each the the subsequent fiscal years, of the difference between the allowance computed for the district under Section 7091 and the amount that would have been computed for the district under Section 7091 had the foundation program for the district been computed under Section 7032.1 except as to any elementary school district determined to be a necessary school district by the existence of any one or more of the following conditions:

(a) If as many as five pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school would be required to travel more than 10 miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school, or

(b) If as many as 15 pupils residing in the district and attending grades kindergarten to eight, inclusive, exclusive of pupils attending the seventh and eighth grades of a junior high school would be required to travel more than five miles one way from a point on a well-traveled road nearest their home to the nearest other public elementary school.

If topographical or other conditions exist in a district which would impose unusual hardships if the number of miles specified were required to be traveled or if during the fiscal year the roads which would be traveled have been impassable for more than an average of two weeks per year for the preceding five years, the governing board of the district may, on or before April 1st, request the Superintendent of Public Instruction, in writing, for an exemption from such requirements or for a reduction in the miles required. The request shall be accompanied by a statement of the conditions upon which such request is based, giving such information in such form as the Superintendent of Public Instruction may require. The Superintendent of Public Instruction shall cause an investigation to be made, and he shall either grant such request to the extent deemed necessary by him or deny the request.

Notwithstanding anything in this article to the contrary, the amount computed for any elementary school district under this article shall be not less than it would have been had the foundation program of school support for such district under Article 4 of this chapter been computed by multiplying the number of units of average daily attendance in the district during the preceding fiscal year as computed under Sections 6911 and 6944 by two hundred thirty-two dollars ($232) and had the tax used in making the computation for the district under Article 10 of this chapter been eighty cents ($0.80)

High school districts

7092. The Superintendent of Public Instruction shall compare the total of the amounts allowed to, and computed for, each high school district pursuant to Articles 8 and 10 of this chapter with the amount of the foundation program of school support computed for each such district pursuant to Article 4 of this chapter.

If the total amount allowed to, and computed for, any high school district pursuant to Articles 8 and 10 of this chapter is less than the amount of the foundation program of school support computed for such district pursuant to Article 4 of this chapter, he shall add to the amount allowed to, and computed for such district pursuant to Articles 8 and 10 of this chapter such additional amount, to be known as state equalization aid, as may be necessary to equal that computed for such district pursuant to Article 4 of this chapter.

7092.1. Notwithstanding anything in this article to the contrary, the amount computed for any high school district under this article shall be not less than it would have been had the foundation program of school support for such district under Article 4 of this chapter been computed by multiplying the number of units of average daily attendance in the district during the preceding fiscal year as computed under Sections 6943, 6962, and 6971 for the Fiscal Year 1953-54 and as computed under Sections 6943 and 6962, thereafter, by three hundred fifty dollars ($350) and had the tax used in making the computation for the district under Article 10 of this chapter been seventy-five cents ($0.75).

Junior college districts

7093. The Superintendent of Public Instruction shall compare the total of the amounts allowed to, and computed for, each junior college district pursuant to Articles 9 and 10 of this chapter with the amount of the foundation program of school support computed for each district pursuant to Article 4 of this chapter.

If the total amount computed for any district pursuant to Articles 9 and 10 of this chapter is less than the amount of the foundation program of school support computed for such district pursuant to Article 4 of this chapter, he shall add to the amount computed for such district pursuant to Articles 9 and 10 of this chapter such additional amount, to be known as state equalization aid, as may be necessary to equal that computed for such district pursuant to Article 4 of this chapter.

Limitations

7094. No state equalization aid shall be allowed to any district under this article during the Fiscal Year 1953-54 unless, during the preceding fiscal year, there shall have been levied a tax for such district in an amount equal to forty-five cents ($0.45) or more for an elementary district, forty cents ($0.40) or more for a high school district, or twenty-two cents ($0.22) or more for a junior college district.

7095. No state equalization aid shall be allowed under this article, during the Fiscal Year 1954-55, or during any other subsequent fiscal year unless there shall have been levied pursuant to this code, for such district during the preceding fiscal year, exclusive of tax levied under Sections 4963.2, 5063, 6357.2, 7516, 7736, 14725, 14775, and 19613.6, a tax not less than sixty cents ($0.60) if an elementary district, forty-five cents ($0.45) if a high school district, and thirty cents ($0.30) if a junior college district.

Acquiring or original districts

7096. Notwithstanding anything in this chapter to the contrary, if under Section 6907 average daily attendance of an original district is credited to an acquiring district, the amounts allowed by the Superintendent of Public Instruction as basic state aid and state equalization aid to the original school district and to the acquiring school district during the first fiscal year in which an apportionment is made to the acquiring school district on account of such average daily attendance, shall be the amounts computed under this section. The Superintendent of Public Instruction shall divide the total amounts of basic state aid and state equalization aid which would have been apportioned to the original school district during said fiscal year had this section not been in effect by the average daily attendance of the original school district for the preceding fiscal year prior to the crediting of any of such average daily attendance to the acquiring school district. He shall allow to the original school district as basic state aid and state equalization aid the amount computed by multiplying the resulting quotients by the units of average daily attendance of the district for the preceding fiscal year less the units credited to the acquiring school district. He shall allow the acquiring school district as basic state aid and state equalization aid the amount computed by multiplying

the same quotients by the units of average daily attendance credited to the district under Section 6907.

Article 11.1. Computation of Allowances for Adults and Inmates

Computation of allowances. Adults

7097. (a) For the 1953-1954 Fiscal Year, the Superintendent of Public Instruction shall allow each district for each unit of average daily attendance during the preceding fiscal year in classes for adults computed under Section 6971, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults, one hundred twenty dollars ($120) as basic state aid and the same amount as state equalization aid as is computed by dividing the allowance computed for the district under Article 11 of this chapter by the average daily attendance of the district during the preceding fiscal year, exclusive of average daily attendance during the preceding fiscal year in classes for adults and for inmates of state institutions for adults and of city, county, or city and county jails, road camps, or farms for adults. The total of basic and equalization aid allowed shall not exceed two hundred dollars ($200) for each unit of average daily attendance during the preceding fiscal year in classes for adults, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults.

(b) For the 1954-1955 Fiscal Year, and thereafter, the Superintendent of Public Instruction shall allow each district for each unit of average daily attendance during the preceding fiscal year for adults, as adults are defined in Section 9700.1, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults, one hundred twenty dollars ($120) as basic state aid and the same amount as state equalization aid as is computed by dividing the allowance computed for the district under Article 11 of this chapter by the average daily attendance of the district during the preceding fiscal year, exclusive of average daily attendance during the preceding fiscal year for adults, as adults are defined in Section 9700.1, and for inmates of state institutions for adults and of city, county, or city and county jails, road camps or farms for adults. The total of basic and equalization aid allowed shall not exceed two hundred dollars ($200) for each unit of average daily attendance during the preceding fiscal year for such adults, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults.

Inmates of city, county and state institutions

7098. Effective July 1, 1953, and thereafter, the Superintendent of Public Instruction shall allow each district maintaining classes for adults in any state institution for adults

or in any city, county, or city and county jail, road camp or farm for adults the total expenses for such classes, as such total expense is reported to him in accordance with regulations that he is herewith authorized to adopt, not to exceed the amount expended for salaries of teachers in such classes increased by one-tenth Salaries of such teachers for purposes of this section shall not exceed the salaries as set by the governing board for teachers in other classes for adults maintained by the district The total amount allowed shall not be less than one hundred twenty dollars ($120), nor more than one hundred forty-eight dollars ($148), for each unit of average daily attendance during the preceding fiscal year in such classes for adults.

Article 12. Computation of Allowances for Excess Expense for Physically Handicapped Minors

Maximum allowance

7101. The Superintendent of Public Instruction shall not allow under this article during any fiscal year a total amount in excess of the amount provided by law.

Physically handicapped minor pupils School district allowance

7101.1. The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess current expense of education to such district of educating physically handicapped minor pupils but not in excess of four hundred dollars ($400) for each unit of average daily attendance of physically handicapped minor pupils in the district during the next preceding fiscal year.

Same County school service fund allowance

7101.2. The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to the excess current expense of education to the county superintendent of schools of educating physically handicapped minor pupils but not in excess of four hundred dollars ($400) for each unit of average daily attendance of physically handicapped minor pupils educated by the county superintendent of schools during the preceding fiscal year.

Reduction

7101.3. If the total amount which may be allowed under Section 7101 during any fiscal year is less than the total allowances computed under Sections 7101.1 and 7101.2, the amounts allowed shall be reduced proportionately

Allowance of balance

7101.4 If the total amount which may be allowed under Section 7101 during any fiscal year is more than the total allowances computed under Sections 7101.1 and 7101.2, the balance shall be allowed pursuant to Section 7118.

Article 13. Computation of Allowances for Excess Expense for Mentally Retarded Minors

Maximum allowance

7102 The Superintendent of Public Instruction shall not allow under this article during any fiscal year a total amount in excess of the amount provided by law.

Mentally retarded minors School district allowance

7102.1 The Superintendent of Public Instruction shall allow to each school district an amount equal to 75 percent of the excess current expense of education, including transpor-

tation, to the school district, of educating mentally retarded minors who come within the provisions of Section 9801.1 during the preceding fiscal year in special schools or classes but not in excess of one hundred fifty dollars ($150) per unit of average daily attendance of such minors.

County school service fund allowance

7102.2. The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to 75 percent of the excess current expense of education, including transportation, to the county superintendent of schools of educating mentally retarded minors coming within the provisions of Section 9801.1, during the preceding fiscal year in special schools or classes but not in excess of one hundred fifty dollars ($150) per unit of average daily attendance of such minors.

Reduction

7102.3. If the total amount which may be allowed under Section 7102 during any fiscal year is less than the total allowances computed under Sections 7102.1 and 7102.2 the amounts allowed shall be reduced proportionately.

Allowance of balance

7102.4. If the total amount which may be allowed under Section 7102 during any fiscal year is more than the total allowances computed under Sections 7102.1 and 7102.2 the balance shall be allowed pursuant to Section 7118.

Limitation

7102.5. No allowance shall be made under this article for the education of mentally retarded minors in special schools or classes which do not comply with the standards established by the Department of Education

Article 14. Computation of Allowances for Excess Expense for Severely Mentally Retarded Minors

Maximum allowance

7103. The Superintendent of Public Instruction shall not allow under this article during any fiscal year a total amount in excess of the amount provided by law.

Severely mentally retarded minors School district allowance

7103.1 The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess current expense of education to the district, excluding transportation, of educating mentally retarded minors who come within the provisions of Section 9801.2 during the preceding fiscal year but not in excess of three hundred dollars ($300) per unit of average daily attendance of such minors

County school service fund allowance

7103.2 The Superintendent of Public Instruction shall allow to each county school service fund an amount equal to the excess current expense of education to the county superintendent of school, excluding transportation, of educating mentally retarded minors who come within the provisions of Section 9801.2 during the preceding fiscal year but not in excess of three hundred dollars ($300) per unit of average daily attendance of such minors.

Reduction

7103.3 If the total amount which may be allowed under Section 7103 during any fiscal year is less than the total allowances computed under Sections 7103.1 and 7103.2 the amounts allowed shall be reduced proportionately.

Allowance of balance

7103.4 If the total amount which may be allowed under Section 7103 during any fiscal year is more than the total allowances computed under Sections 7103.1 and 7103.2 the balance shall be allowed pursuant to Section 7118.

Limitation

7103.5 No allowance shall be made under this article for the education of mentally retarded minors in special schools or classes which do not comply with the standards established by the Department of Education.

Article 15. Computation of Allowances for Growth

Maximum allowance

7109 (a) The Superintendent of Public Instruction shall not allow under this article during any fiscal year a total amount in excess of the amount provided by law.

(b) The total amount allowed to all districts for the first period shall not exceed 40 percent of the amount computed under subdivision (a) of this section.

(c) The total amount allowed to all districts for the second period shall not exceed the difference between the amount computed under subdivision (a) of this section and the total amount allowed for the first period under this article.

District report

7109.1. The governing board of each school district shall report to the Superintendent of Public Instruction during each fiscal year, as herein provided, the average daily attendance in the regular day schools of the district for all full school months in the fiscal year during (1) the period between July 1st and December 31st, inclusive, hereinafter referred to as the "first period," (2) the period between the end of the last full school month of the first period and May 15th, inclusive, hereinafter referred to as the "second period," and (3) for each of the same periods during the preceding fiscal year. Such report with respect to the first period shall be filed with the Superintendent of Public Instruction on or before the next succeeding January 15th and with respect to the second period shall be filed with the Superintendent of Public Instruction not later than the next succeeding May 25th. Each report shall be made in such form as shall be prescribed and furnished by the Superintendent of Public Instruction.

Computation of allowance Existing district

7109.2 The Superintendent of Public Instruction shall allow, for each period referred to in Section 7109.1, to each school district which was in existence for all purposes during the preceding fiscal year an amount which shall be computed as follows:

The average daily attendance in the regular day schools of the district during the period in the then current fiscal year and for the same period in the preceding fiscal year shall be computed in the manner prescribed in Chapter 14 of this division, except that the computation of a day of attendance shall be determined according to the law in effect during said preceding fiscal year.

The Superintendent of Public Instruction shall allow to each school district for each unit by which the average daily attend-

ance for the first period of the then current fiscal year exceeds that of the average daily attendance for the same period during the preceding fiscal year, an amount determined by dividing the total of the amounts allowed the district during the current fiscal year as basic state aid and state equalization aid by the total average daily attendance of the district during the preceding fiscal year multiplied by the ratio of days the regular day schools of the district were maintained during said period of the then current fiscal year to 175.

The Superintendent of Public Instruction shall allow to each school district for each unit by which the average daily attendance for the second period of the then current fiscal year exceeds that of the average daily attendance for the same period during the preceding fiscal year, an amount determined by dividing the total of the amounts allowed the district during the current fiscal year as basic state aid and state equalization aid, by the total average daily attendance of the district during the preceding fiscal year multiplied by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175.

One-school elementary school district

7109.21. Notwithstanding any provisions of this article to the contrary, allowances for growth for elementary school districts maintaining only one elementary school with a total average daily attendance during the preceding fiscal year of less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, shall be computed pursuant to this section.

The provisions of subdivisions (a), (b), (c), and (d) of Section 7032 for average daily attendance and number of teachers hired shall apply to such districts.

No allowance for growth shall be made for such a district unless the excess units of average daily attendance for the period of the current fiscal year over units of average daily attendance of the corresponding period of the preceding fiscal year is sufficient to place the district within the requirements of a different subdivision of Section 7032, or is sufficient to place the district outside of the requirements of any of the subdivisions of Section 7032.

If the excess is sufficient to place the district within the requirements of a different subdivision of Section 7032 an apportionment for growth shall be made only if there has been employed for the school during the period of the current fiscal year the number of teachers required by the subdivision of Section 7032 which is applicable to the district according to its average daily attendance during the period of the current fiscal year, exclusive of pupils attending the seventh and eighth grades of a junior high school.

The Superintendent of Public Instruction shall allow, for each period for each district which was in existence for all purposes during the preceding fiscal year an amount equal to the difference between the amount of basic state aid and state equal-

ization aid which was apportioned on account of average daily attendance in such district during the preceding fiscal year and the amount of basic state aid and state equalization aid which would have been apportioned had the total average daily attendance in such district during such year been equal to the total average daily attendance during the period of the current year, multiplied for the first period by the ratio of days the regular day schools of the district were maintained during said period of the then current fiscal year to 175, and for the second period by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175.

If the excess is sufficient to place the district outside of the requirements of any of the subdivisions of Section 7032, the Superintendent of Public Instruction shall deem the average daily attendance of the district during the preceding fiscal year to have been 100 and he shall compute an allowance pursuant to Section 7109.2 with respect to the units of average daily attendance during the period of the then current fiscal year which are more than 100.

The Superintendent of Public Instruction shall allow to each school district for each unit by which the average daily attendance for each period of the then current fiscal year in the seventh and eighth grades of a junior high school exceeds such average daily attendance for the same period during the preceding fiscal year the following: for the first period, the sum of two hundred twelve dollars ($212) multiplied by the ratio of days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175 and, for the second period, the sum of two hundred twelve dollars ($212) multiplied by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175.

One-school high school district

7109.22. Notwithstanding any provision of this article to the contrary, allowances for growth for high school districts maintaining only one high school with a total average daily attendance during the preceding fiscal year of less than 281 shall be computed pursuant to this section:

The Superintendent of Public Instruction shall allow, for each period for each district which was in existence for all purposes during the preceding fiscal year an amount equal to the difference between the amount of basic state aid and state equalization aid which was apportioned on account of average daily attendance in such district during the preceding fiscal year and the amount of basic state aid and state equalization aid which would have been apportioned had the total average daily attendance in such district during such year been equal to the total average daily attendance during the period of the current year, multiplied for the first period by the ratio of days the regular day schools of the district were maintained during said period of the then current fiscal year to 175, and for the second period by the ratio of the difference between 175 and the

days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175

7109.3. The Superintendent of Public Instruction shall allow, for each period referred to above, to each school district which was not in existence for all purposes during the preceding fiscal year an amount which shall be computed as follows: New district

The average daily attendance in the regular day schools of the district during the period in the then current fiscal year shall be computed in the manner prescribed in Chapter 14 of this division, except that the computation of a day of attendance shall be determined according to the law in effect during the preceding fiscal year.

The Superintendent of Public Instruction shall allow to each such district for each unit of average daily attendance so computed for the first period of the then current fiscal year an amount determined by dividing the total of the amounts of basic state aid and state equalization aid which would have been apportioned to such district during the current fiscal year on account of such average daily attendance had the district been in existence for all purposes during the preceding fiscal year and had the tax required to be levied for such district under Section 7094 or 7095 been levied, by such average daily attendance multiplied by the ratio of days the regular day schools of the district were maintained during said period of the then current fiscal year to 175.

The Superintendent of Public Instruction shall allow to each such district for each unit of average daily attendance so computed for the second period of the then current fiscal year an amount determined by dividing the amounts of basic state aid and state equalization aid which would have been apportioned to such district during the current fiscal year on account of such average daily attendance had the district been in existence for all purposes during the preceding fiscal year and had the tax required to be levied for such district under Section 7094 or 7095 been levied, by such average daily attendance multiplied by the ratio of the difference between 175 and the days the regular day schools of the district were maintained during the first period of the then current fiscal year to 175.

In making any computation under Section 7081 for the purposes of this section, the assessed valuation of the district for the current year shall be used.

7109.41. If the total amount which may be allowed to all districts under subdivision (b) of Section 7109 for the first period during any fiscal year is less than the total amount allowed to all districts for the first period under this article, the amounts allowed shall be reduced proportionately. Reduction

7109.42. If the total amount which may be allowed to all districts under subdivision (c) of Section 7109 for the second period during any fiscal year is less than the total amount allowed to all districts for the second period under this article, the amounts allowed shall be reduced proportionately.

Proration allowance of balance

7109.43. If the total amount which may be allowed to all districts under subdivision (c) of Section 7109 is more than the total amount allowed to all districts for the second period under this article, the balance shall be prorated to any allowance made during the first period to which Section 7109.41 applied in an amount not to exceed the allowances computed for the first period under this article Any portion of the balance remaining after this computation shall be allowed pursuant to Section 7119.

Article 16. Recomputation of Allowances

Maximum allowance

7111. (b) The total amount allowed from the State School Fund as basic and equalization aid to be apportioned on account of average daily attendance during the preceding fiscal year credited to all kindergarten and elementary schools in the state and county school tuition funds on account of elementary school pupils shall not exceed the amount provided by law.

(c) The total amount allowed from the State School Fund as basic and equalization aid to be apportioned on account of average daily attendance during the preceding fiscal year credited to all high schools in the state and county school tuition funds on account of high school pupils shall not exceed the amount provided by law.

(d) The total amount allowed from the State School Fund as basic and equalization aid to be apportioned on account of average daily attendance during the preceding fiscal year credited to all junior college schools in the State shall not exceed the amount provided by law.

Additional apportionment Elementary school districts

7112. If the total amount allowed from the State School Fund to all elementary school districts, county school service funds, and county school tuition funds under Articles 5, 6, 7, and 11 of this chapter on account of average daily attendance during the preceding fiscal year credited to all kindergarten and elementary schools in the state and county school tuition funds on account of elementary school pupils is less than the total amount provided in subdivision (b) of Section 7111, the balance shall be allowed by the Superintendent of Public Instruction to elementary school districts receiving state equalization aid during the then current year. The amount allowed each such district for each unit of average daily attendance shall be determined by dividing the total balance by the average daily attendance of all elementary districts receiving equalization aid

High school districts

7113. If the total amount allowed from the State School Fund to all high school districts, county school service funds, and county school tuition funds under Articles 5, 6, 8, 11, and 11 1 of this chapter on account of average daily attendance during the preceding fiscal year credited to all high schools in the state and county school tuition funds on account of high school pupils is less than the total amount provided in subdivision (c) of Section 7111, the balance shall be allowed by the Superintendent of Public Instruction to elementary districts

receiving state equalization aid during the then current year. The amount allowed each such district for each unit of average daily attendance shall be determined by dividing the total balance by the average daily attendance of all elementary districts receiving equalization aid.

Junior college districts

7114. If the total amount allowed from the State School Fund to all junior college districts and county school service funds under Articles 5, 9, 11, and 11.1 of this chapter on account of average daily attendance during the preceding fiscal year credited to all junior college schools in the State is less than the total amount provided in subdivision (d) of Section 7111, the balance shall be allowed by the Superintendent of Public Instruction to elementary districts receiving state equalization aid during the then current year. The amount allowed each such district for each unit of average daily attendance shall be determined by dividing the total balance by the average daily attendance of all elementary districts receiving equalization aid.

Reduction; Elementary school districts

7115. If the total amount allowed from the State School Fund to all elementary school districts, county school service funds, and county tuition funds under Articles 5, 6, 7, and 11 of this chapter on account of average daily attendance during the preceding fiscal year credited to all kindergarten and elementary schools in the state and county school tuition funds on account of elementary schools pupils is more than the total amount provided in subdivision (b) of Section 7111, the amount allowed each such district as equalization aid from the State School Fund shall be reduced proportionately.

High school districts

7116. If the total amount allowed from the State School Fund to all high school districts, county school service funds, and county tuition funds under Articles 5, 6, 8, 11, and 11.1 of this chapter on account of average daily attendance during the preceding fiscal year credited to all high schools in the state and county school tuition funds on account of high school pupils is more than the total amount provided in subdivision (c) of Section 7111, the amount allowed each such district as equalization aid from the State School Fund shall be reduced proportionately.

Additional adjustment

7116.1. If the federal funds as defined in Section 7000.3 are in a school year reduced by more than 20 percent below those of the previous year upon which the current year's equalization aid has been computed, the Superintendent of Public Instruction shall then allow the district in the next fiscal year such additional amount as will make the total amount allowed the district equal to that which would have been allowed under Article 11 to the district had the reduction occurred in the preceding fiscal year.

Junior college districts

7117. If the total amount allowed from the State School Fund to all junior college districts and county school service funds under Article 5, 9, 11, and 11.1 of this chapter on account of average daily attendance during the preceding fiscal year credited to all junior college schools in the State is more

than the total amount provided in subdivision (d) of Section 7111, the amount allowed each such district as equalization aid from the State School Fund shall be reduced proportionately.

Allowance of balance

7118. The total balance resulting from the provisions of subdivision (e) of Section 7018.1 and Sections 7101.4, 7102.4 and 7103.4 shall be added proportionately to such of the allowances made under subdivisions (b) and (c) of Section 7018.1 and Sections 7101.1, 7101.2, 7102.1, 7102.2, 7103.1 and 7103 2 to which subdivision (d) of Section 7018 1 and Sections 7101.3, 7102 3, or 7103.3, respectively, applied, but not to exceed the amounts computed under subdivisions (b) and (c) of Section 7018.1 and Sections 7101.1, 7101.2, 7102.1, 7102.2, 7103.1 and 7103.2 without respect to subdivision (d) of Section 7108.1 and Sections 7101.3, 7102.3, or 7103.3. Any portion of the total balance remaining after such computation shall be allowed pursuant to Section 7119.

7119. (a) If the total amount allowed county school service funds under Article 2 of this chapter is less than the amounts provided by Section 7001 the balance shall be added to the balances resulting from the application of Section 7019, Sections 7109.43 and 7118, and the total of such balances shall be allowed as additional state equalization aid to the elementary districts that were allowed state equalization aid pursuant to Article 11 of this chapter during the then current year. The amount allowed each such district for each unit of average daily attendance shall be determined by dividing the total balance by the average daily attendance of all elementary districts receiving equalization aid.

Reduction of pupils per classroom

7119 1. It is the intent of the Legislature that, so far as administratively feasible in the opinion of the governing board of the school district, any elementary district receiving additional aid pursuant to Sections 7112, 7113, 7114, or 7119 shall use such money for the purpose of reducing the enrollment per classroom to a maximum of 30 pupils per classroom. The portion of such money used by a district for such purpose shall be subtracted from the total amount State School Fund money to which Section 6703 applies.

Article 17. Apportionment of the State School Fund

Principal apportionment

7121 The Superintendent of Public Instruction shall on or before September 10th of each year apportion to each elementary school district, high school district, junior college district, county school service fund, and county school tuition fund the total amounts allowed to them under Articles 2, 5, 6, 7, 8, 9, 11, 11.1, and 16, excepting Sections 7118 and 7119 of this chapter. This apportionment shall be called the Principal Apportionment.

Withholding portion

7121.1. The Superintendent of Public Instruction shall withhold from the apportionment made to each district for which a computation was made under Section 7032 or 7034 as follows:

If the district had fewer teachers than prescribed by the subdivision of Section 7032 or 7034 under which the computation was made, the Superintendent of Public Instruction shall withhold an amount determined as the difference between the amount allowed under Articles 7 and 11 and the amount that would have been allowed had the computation for the district under Section 7032 or 7034 been made by multiplying the total average daily attendance by two hundred twelve dollars ($212).

Additional teachers

7121.2. (a) If by November 10th of any current fiscal year, an additional teacher or teachers are hired for a school in a district from which a withholding was made pursuant to Section 7121.1 and the school fully meets the requirements of the appropriate subdivision of Section 7032 or 7034, the Superintendent of Public Instruction shall apportion at the time the apportionment under Section 7122 is made to the district the amount withheld.

Allowance of balance

(b) In the event that more money is withheld pursuant to Section 7121.1 than is apportioned pursuant to subdivision (a) of this section, the balance shall be allowed proportionately by the Superintendent of Public Instruction to elementary school districts receiving state equalization aid during the then current year and apportioned at the time the apportionment under Section 7124 is made.

Special purpose apportionment

7122. The Superintendent of Public Instruction shall on or before December 10th of each year apportion to each elementary, high school, and junior college district, and county school service fund the total of amounts allowed to them under Articles 3, 12, 13, and 14 and Section 7118 and subdivision (a) of Section 7121.2 of this chapter. This apportionment shall be called the Special Purpose Apportionment.

First period growth apportionment

7123. (a) The Superintendent of Public Instruction shall on or before February 15th for the first period of each fiscal year apportion to each elementary, high school, and junior college district the amount allowed to each district under Article 15 of this chapter. This apportionment shall be called the First Period Growth Apportionment.

Second period growth apportionment

(b) He shall on or before June 25th for the second period of each fiscal year apportion to each elementary, high school, and junior college district the amount allowed to each district under Article 15 of this chapter. This apportionment shall be called the Second Period Growth Apportionment.

Final apportionment

7124. The Superintendent of Public Instruction shall on or before June 25th of each year apportion to each elementary district the total of the amounts allowed to the district under Section 7119 of Article 16 of this chapter. This apportionment shall be called the Final Apportionment.

Withholding portion High school districts

7125. (a) The Superintendent of Public Instruction shall withhold from the apportionment to each high school district all amounts allowed such high school district by reason of the operation of subdivision (b) of Section 7000 for the average daily attendance of grades 11 and 12 maintained in the district by a junior college district, determined to be an amount which

shall bear the same ratio to the total amount computed for the high school district on account of the average daily attendance in grades 9 to 12, inclusive, as the average daily attendance in grades 11 and 12 maintained by the junior college district bears to the whole of the average daily attendance in grades 9 to 12, inclusive, maintained in the high school district, and shall add the amounts so withheld to the apportionment required to be made to the junior college district.

(b) The Superintendent of Public Instruction shall apportion to each high school district the amount computed for the high school district as a junior college district pursuant to subdivision (d) of Section 7000.

Certification

7126. The Superintendent of Public Instruction shall certify each apportionment made by him under this article to the State Controller.

Abstract

7127. The Superintendent of Public Instruction shall furnish an abstract of each apportionment of the State School Fund to the State Controller, the Department of Finance and to the county and city and county auditors, county and city and county treasurers, and to the county superintendents of schools of the several counties of the State.

Article 18. Miscellaneous Provisions

Duty of county auditor

7141. On or before November 15th of each year, the county auditor of each county shall furnish to the Superintendent of Public Instruction the assessed valuation and tax rates of each school district or portion of school district situated within his county, as shown by the equalized assessment roll of the county for the year.

"County" or "counties"

7142. "County" or "counties" as used in this division includes a city and county.

High school courses

7143 The average daily attendance of pupils attending high school courses maintained by an elementary school district shall be, for the purposes of this division, considered average daily attendance in high school classes maintained by a high school district and apportionments of one hundred twenty dollars ($120) per unit of average daily attendance, and no more, on account of such average daily attendance shall be made to the elementary school district.

"Elementary school district"

7144 The term "elementary school district" as used in this chapter means, unless expressly provided otherwise, each elementary school district which is composed of a single elementary school district and each union elementary school district, joint union elementary school district, or unified school district; and does not include any elementary school district included within a union elementary school district or a joint union elementary school district or a unified school district

Merged districts

7145. For the purposes of Chapters 12, 13, 14, and 15 of this division, each elementary school district as defined by Section 7144, high school district and junior college district merged or otherwise included within a unified school district shall be

deemed a separate and independent district, but all apportionments from the State School Fund on account of any district merged or otherwise included within a unified school district shall be made to the unified school district and shall be available for expenditure by the unified school district for all schools and classes of the district.

Same Requirement of tax levy

7146. No state equalization aid shall be allowed under Article 11 of this chapter to any district included within a unified school district unless there shall have been levied, pursuant to this code, for such unified school district during the preceding fiscal year, exclusive of tax levied under Sections 4963.2, 5063, 6357.2, 7516, 7736, 14725, 14775, and 19613.6, a tax in not less than the amount determined by adding the rates of tax required to be levied under Section 7094 or 7095 as may be applicable for each type of district included within the unified school district.

7146.1. No state equalization aid shall be allowed under Article 11 of this chapter to any high school district which maintained a junior college unless there shall have been levied, pursuant to this code, during the preceding fiscal year, exclusive of tax levied under Sections 4963.2, 5063, 6357.2, 7516, 7736, 14725, 14775 and 19613.6, a tax in not less than the amount determined by adding the rates of tax required to be levied under Section 7094 or 7095 as may be applicable for a high school district and for a junior college district.

7146.2. No state equalization aid shall be allowed under Article 11 of this chapter to any high school district, the boundaries of which are coterminous with and which is governed by the same governing board as a junior college district, or to any junior college district the boundaries of which are coterminous with and which is governed by the same governing board as the high school district, for which a tax is levied under subsection (e) of Section 6357, unless there shall have been levied, pursuant to this code, during the preceding fiscal year, exclusive of tax levied under Sections 4963.2, 5063, 6357.2, 7516, 7736, 14725, 14775 and 19613.6, a tax in not less than the amount determined by adding the rates of tax required to be levied under Section 7095 as may be applicable for a high school district and for a junior college district.

Average daily attendance High school districts

7148. For the purposes of this division whenever computations of apportionments based on average daily attendance are made for high school districts only the attendance in all classes of grades 9 to 12, inclusive, and in all types of ungraded classes, including classes for adults, which have been reported as attached to, or as a part of, a school which maintains any of grades 9 to 12, inclusive, shall be included.

Junior college districts

7149. For the purposes of this division whenever computations of apportionments based on average daily attendance are made for junior college districts only the attendance in all classes of grades 13 and 14 and all types of ungraded classes, including classes for adults, which have been reported as at-

tached to, or as a part of, a junior college which maintains grades 13 and 14 shall be included.

Basic state aid and state equalization aid

7151. Notwithstanding anything in this chapter to the contrary the amount allowed by the Superintendent of Public Instruction during each of the first five fiscal years as the total basic state aid and state equalization aid for a union elementary school district, joint union elementary school district, or unified school district formed in accordance with the provisions of Chapter 16 of Division 2 of this code between July 1, 1947, and July 31, 1952, inclusive, and conforming with approved plans and recommendations of a local survey committee or county committee, shall during each of the first five fiscal years of its existence for all purposes be not less than the total amount which would have been allowed as basic state aid and state equalization aid to the districts merged into the union elementary school district, joint union elementary school district or unified school district had such school district not been formed. For the purpose of this section the computation of foundation program under Article 4 for each district merged into the union, joint union, or unified district shall be made using the average daily attendance during the preceding fiscal year credited to such district, assuming, if such district had an average daily attendance, exclusive of the average daily attendance of pupils attending the seventh and eighth grades of a junior high school, during the preceding fiscal year of less than 101, that the requirement for teachers pursuant to Section 7034 had been met.

7152. Notwithstanding anything in this chapter to the contrary the amounts allowed as basic state aid and state equalization aid by the Superintendent of Public Instruction during the first year of existence for all purposes of a unified school district formed under Chapter 16 of Division 2 of this code on or after July 1, 1953, shall not be less than the amounts that would have been allowed to all of the districts formed into the unified district, had such unified district not been formed. The amounts allowed as basic state aid and state equalization aid to such unified district during the succeeding four years, and thereafter, of its existence for all purposes shall not be less than the amounts allowed the district under Articles 7, 8, 9, and 11 of this chapter plus 80 percent reduced by an additional 20 percent for each of the succeeding four years, of the difference between the amounts that would have been allowed under this chapter to all the districts formed in the unified district had such unified district not been formed and the amounts allowed the unified district under Articles 7, 8, 9, and 11 of this chapter. For the purpose of this section the computation of foundation program under Article 4 for each district merged into the unified district shall be made using the average daily attendance during the preceding fiscal year credited to such district, assuming, if such district had an average daily attendance, exclusive of the average daily attendance of pupils attending the seventh and eighth grades of a junior high school, during the preceding fiscal year of less than 101, that

the requirement for teachers pursuant to Section 7034 had been met.

7153. Notwithstanding anything in this chapter to the contrary the amounts allowed as basic state aid and state equalization aid by the Superintendent of Public Instruction during the first year of its existence for all purposes of a union or joint union elementary school district formed under Chapter 16 of Division 2 of this code on or after July 1, 1953, shall not be less than the amounts that would have been allowed to all of the districts formed into the union or joint union district had such district not been formed. The amounts allowed as basic state aid and state equalization aid to such union or joint union district during the second, and succeeding two years, and thereafter, of its existence for all purposes shall not be less than the amounts allowed the district under Articles 7 and 11 of this chapter plus 66⅔ percent, reduced by an additional 33⅓ percent for each of the succeeding two years, of the difference between the amounts that would have been allowed under this chapter to all the districts formed into the union or joint union district had such district not been formed and the amounts allowed the union or joint union district under Articles 7 and 11 of this chapter. For the purpose of this section the computation of foundation program under Article 4 for each district merged into a union or joint union district shall be made using the average daily attendance during the preceding fiscal year credited to such district, assuming, if such district had an average daily attendance, exclusive of average daily attendance of pupils attending the seventh and eighth grades of a junior high school, during the preceding fiscal year of less than 101, that the requirement for teachers pursuant to Section 7034 had been met.

Adjusting apportionments

7190. If during any fiscal year there is apportioned to a school district or to any fund from the State School Fund more or less than the amount to which the district or fund was entitled, the Superintendent of Public Instruction during the next or any succeeding fiscal year shall withhold from, or add to, the apportionment made during such next or succeeding fiscal year, the amount of such excess or deficiency, as the case may be

When any judgment has been rendered which requires the apportionment from the State School Fund to any school district, to any other agency, or to any fund for any fiscal year of more than the amount actually apportioned thereto during such fiscal year, the difference shall be apportioned to the district, agency, or fund by the Superintendent of Public Instruction from the State School Fund during the fiscal year following that in which the judgment becomes final before any other apportionment from the State School Fund is made. Upon the becoming final of any judgment which requires the apportionment from the State School Fund to any school district, to any other agency, or to any fund for any fiscal year of less than the amount actually apportioned thereto during any fiscal year, the difference shall be deducted from the ap-

portionment made to such district, agency, or fund by the Superintendent of Public Instruction from the State School Fund during the fiscal year following that in which the judgment becomes final.

Repeals

SEC. 5. Articles 1 and 4 of Chapter 16 of Division 3 of said code are repealed.

SEC. 6. Article 1 is added to Chapter 16 of Division 3 of said code, to read:

Article 1. County School Service Fund

"County school service fund"

7201. There is hereby established in the treasury of each county the "county school service fund."

7202. Wherever any of the terms "unapportioned county elementary school fund," "county elementary school supervision fund," or "unapportioned county high school fund" are used in this code or in any other law, said term shall be deemed to refer to and mean the "county school service fund" established by this chapter.

Surplus funds

7203. During July or August of each year the county superintendent of schools shall transfer to the county school service fund 80 percent of any excessive balance or unnecessary surplus in any school fund of any school district. Funds raised by school district taxes shall not be transferred.

Charges and additional apportionments

7205 The county school service fund shall be employed by the county superintendent of schools to pay such charges against the fund as are provided in this code; and to provide with the approval of the county board of education (a) additional apportionments to any school district under his jurisdiction for current expenses which (1) has levied the maximum district tax specified in Section 6357 and in which the annual average current cost per pupil does not exceed the annual average current cost per pupil for all districts of the same type within the county or under the jurisdiction of the county superintendent of schools, or (2) which needs additional apportionments for current expenses because of temporary emergency conditions, and (b) additional apportionments to any school district under his jurisdiction for the transportation of pupils to and from school to meet temporary emergency conditions.

7206. The county superintendent of schools may:

Advisory services

(a) With the approval of the county board of education provide advisory services in school business administration, in maintenance of school buildings and grounds, and in the processing of special problems concerning credentials as designated by the State Department of Education.

Expenditures

(b) Pay actual and necessary travel expenses incurred, in connection with curricular and special services, by the county superintendent of schools, or by his designated staff members in accordance with regulations established by the Superintendent of Public Instruction

The costs incurred under this section shall be paid out of the county school service fund.

7207. The county superintendent of schools shall, except as otherwise provided by this code, expend from the county school service fund all amounts apportioned to said fund for supervision of instruction, exclusively for the payment of the salaries and necessary expenses of supervisors to supervise instruction in the elementary school districts of the county having less than 900 units of average daily attendance during the next preceding fiscal year, and in any other elementary school districts of the county the governing board of which requests him to supervise instruction in the schools of such district, and for the furnishing of such clerical help, supplies, and equipment to the supervisors as the county superintendent of schools deems necessary. In the event of the inability of the county superintendent of schools to use such amounts advantageously during any fiscal year, the unexpended portion of such amounts may be used for other purposes of the county school service fund.

Excess expenditures

7208. No moneys shall be expended from the county school service fund for any purpose in excess of the total proposed expenditures for such purpose as approved by the Superintendent of Public Instruction under Sections 7001 and 7002, without the approval of the Superintendent of Public Instruction.

It shall be the duty of the county auditor to approve warrants drawn on the county school service fund for expenses approved in the county school service fund budget by the Superintendent of Public Instruction pursuant to Section 7002.

Title and jurisdiction

7209. Neither the county school service fund nor any property leased or purchased with moneys from said fund is subject to the jurisdiction or control of the board of supervisors. The title to all property purchased by the county superintendent of schools from said fund is in the offices of the county superintendent of schools.

SEC. 6.5. Article 4 is added to Chapter 16 of Division 3 of said code, to read:

Article 4. County Forest Reserve School Fund

County forest reserve school fund

7301. The county auditor of any county, receiving money from the Government of the United States pursuant to any act of Congress providing for the distribution and payment to states and territories of a fixed and definite percentage of the money received by the Government of the United States from the forest reserves established therein, shall apportion 50 percent of the money received to the credit of the forest reserve school fund of the county.

The money thus added to the forest reserve school fund and any balance therein on the effective date of this section shall be apportioned by the county superintendent of schools with approval of the county board of education to school districts of the county lying within or adjacent to the United States forest reserve.

All of such money placed in the forest reserve school fund shall be apportioned to districts in the manner prescribed prior

to the thirtieth day of June of the fiscal year next following the fiscal year in which received.

When a portion of the area of a county is subject to the jurisdiction of the county superintendent of schools of another county or counties and such portion lies in or adjacent to the United States forest reserve, no apportionment shall be made to any district from the forest reserve school fund without the approval of the county boards of education of both or all counties in the event that both or all county boards of education do not concur in the apportionments from the forest reserve school fund prior to the first day of April of any year the county superintendent of schools of both or all counties shall on that date notify the Superintendent of Public Instruction who shall, not later than 60 days following notification, make the apportionments. Apportionments made by the Superintendent of Public Instruction are final.

Money apportioned to a school district pursuant to this section shall be deposited by the county auditor to the credit of the several funds of the district as directed by the county superintendent of schools with the approval of the county board of education.

SEC 6.6. Section 8005 of said code is amended to read:

Maintenance of free schools

8005. The county superintendent of schools shall, when there is sufficient money in the fund of any school district to maintain a free school in the district for 175 days of actual teaching, if the trustees neglect or refuse to employ a teacher, appoint a teacher, and open and keep the school. He may draw his requisition upon the county auditor, who shall draw his warrant upon the fund of the district for the expense incurred.

SEC. 7. Section 8007 of said code is amended to read:

Maintenance of school outside district, etc Where building destroyed or unusable

8007. Whenever a school building or buildings of a school district are or have been destroyed, or made unusable through any cause for the maintenance of school, and the Superintendent of Public Instruction is satisfied no suitable quarters for the school can be or could have been obtained within the district, he may authorize the governing board of the district to maintain a school elsewhere than within the district or to contract for the education of the pupils of such district with the governing board of another district.

The maintenance of a school by a district outside the boundaries of the district as provided in this article shall be deemed for all purposes to be or have been the maintenance of a school within the boundaries of the district.

The making of a contract by the governing board of a district as provided in this article shall be deemed to be or have been maintenance of a school within the boundaries of the district except that the attendance of the pupils under such contract shall be reported by, and allowances because of the attendance of pupils under such a contract shall be made, to the district of attendance. For the purposes of Article 8, Chapter 7, Division 2 of this code, the average daily attendance of the district in which such pupils reside who are educated under such contract shall

be the average daily attendance of the pupils educated under such contract.

SEC. 8. Section 8008 of said code is amended to read:

Where unable to secure teachers

8008. Whenever the governing board of a school district is unable to maintain the school or schools in the district because of its inability to secure a teacher, or teachers, the board may, with the approval of the county superintendent of schools having jurisdiction and the Superintendent of Public Instruction, maintain the school, or schools, of the district elsewhere than within the district or contract for the education of the pupils of such school, or schools, with the governing board of another district.

The maintenance of a school by a district outside the boundaries of the district as provided in this article shall be deemed for all purposes to be or have been the maintenance of a school within the boundaries of the district.

The making of a contract by the governing board of a district as provided in this article shall be deemed to be or have been the maintenance of a school within the boundaries of the district except that the attendance of the pupils under such contract shall be reported by, and allowances because of attendance of pupils under such a contract shall be made, to the district of attendance. For the purposes of Article 8, Chapter 7, Division 2 of this code, the average daily attendance of the district in which such pupils reside who are educated under such contract shall be the average daily attendance of the pupils educated under such contract.

SEC. 8.5. Section 7231 of said code is amended to read:

Certification of cost of education

7231. Not later than July 20th of each year the superintendent of schools of each county in which there is not a county junior college shall certify to the board of supervisors and to the county auditor of the county in accordance with rules and regulations of the Superintendent of Public Instruction which he is herewith authorized to adopt the total cost of education during the next preceding fiscal year of all junior college pupils residing in the county and not in any junior college district, nor in any high school district maintaining junior college courses, and the estimated amount needed for that purpose for the current year.

The total cost shall not include outlays for permanent construction or improvements, or moneys received from the State School Fund or from the Federal Government, but shall include one hundred fifty dollars ($150) per unit of average daily attendance for the use of buildings and equipment.

SEC. 8.7. Section 8728 of the Education Code is amended to read:

Computation of tuition

8728. The tuition for the education of any such person shall be computed by subtracting from the total current expense of education of the high school district or unified school district, as defined by the State Department of Education, for the preceding school year the entire income of the high school or unified school district from the apportionments received from

the State, and from apportionments received from the Federal Government, and the remainder shall be divided by the total number of units of average daily attendance of the high school district or unified school district during the preceding school year.

The total tuition chargeable to any elementary school district shall be computed by multiplying the resulting quotient by the units of average daily attendance during the preceding school year of persons residing in the elementary school district, and not residing on a military reservation of the United States, and attending the high schools of the high school district or unified school district, to which amount shall be added two hundred dollars ($200) for each of such units of average daily attendance for the use of buildings and equipment.

The total amount chargeable against the unapportioned county high school fund of any county shall be determined by multiplying the quotient by the units of average daily attendance during the preceding school year of persons residing in the elementary school district, and on a military reservation of the United States, and attending the high schools of the high school district or unified school district.

Repeals

SEC. 8.8. Section 8704, as added by Chapter 401 of the Statutes of 1947, and Section 8704, as added by Chapter 228 of the Statutes of 1951, of said code are repealed.

SEC. 8.9. Section 8704 is added to said code, to read:

Adult evening classes

8704. Evening high schools and evening junior colleges shall consist of classes for adults.

SEC. 8.10. Section 8815 of said code is amended to read:

Junior college term

8815. Junior colleges or junior college classes maintained in a high school district may be maintained for such period and at such times during the school year as the governing board of the high school district may determine, but in no case shall the total number of days of actual teaching in the junior colleges or junior college classes be less than 175 in any school year.

Repeal

SEC. 9. Section 9645 of said code is repealed.

SEC. 10. Section 9645 is added to said code, to read:

"Excess expense" for physically handicapped pupils
School superintendent

9645. The Superintendent of Public Instruction shall determine the amount of excess expense incurred by each county superintendent of schools for the education of physically handicapped pupils. "Excess expense" as employed in this section includes the total current expenses of education incurred for remedial classes and for individual instruction of physically handicapped children, plus the excess amount of the current expense of education made for all other physically handicapped pupils instructed in special schools, in special classes, or in the regular classes over the amount to be apportioned as basic state aid under the provisions of Article 5 of Chapter 15 of Division 3 of this code to the county school service fund during the then current year on account of the average daily attendance of all pupils whose attendance is credited to the county school service fund at the level for which the excess expense is to be determined, exclusive of the average daily attendance of pupils in a

juvenile hall school maintained by the county superintendent of schools during the preceding fiscal year.

SEC. 11. Section 9617 of said code is repealed. Repeal

SEC. 12. Section 9617 is added to said code, to read:

9617. The Superintendent of Public Instruction shall determine the amount of the excess expense incurred by each school district for the education of physically handicapped pupils. "Excess expense" as employed in this section includes the total current expenses of education incurred for remedial classes and for individual instruction of physically handicapped children in the home or in an institution, plus the excess amount of the current expenses incurred for all other physically handicapped pupils instructed in special schools, in special classes, or in regular classes over the expense for an equal number of units of average daily attendance of pupils not classified as physically handicapped or mentally retarded pupils. "Remedial classes" as herein employed includes special classes providing remedial instruction for physically handicapped pupils who are excused in small numbers for a portion of a class period from regular classes, without appreciable reduction in the costs of the regular classes. School district

SEC. 13. Section 9809 of said code is repealed. Repeal

SEC. 14. Section 9809 is added to said code, to read:

9809. The Superintendent of Public Instruction shall determine the amount of the excess expense incurred by each school district for the education of mentally retarded minors. "Excess expense" as employed in this section includes the total current expenses of education incurred for mentally retarded minors instructed in special schools or classes, over the expense for an equal number of units of average daily attendance of pupils not classified as mentally retarded minors or physically handicapped minors. "Excess expense" for mentally retarded minors School district

SEC. 15. Section 9809.1 is added to said code, to read:

9809.1. The Superintendent of Public Instruction shall determine the amount of the excess expense incurred by each county superintendent of schools for the education of mentally retarded minors. "Excess expense" as employed in this section includes the total current expenses of education incurred for mentally retarded minors instructed in special schools or classes, over the amount to be apportioned as basic state aid under the provisions of Article 5 of Chapter 15 of Division 3 of this code to the county school service fund during the then current fiscal year on account of all pupils whose attendance is credited to the county school service fund at the level for which the excess expense is to be determined, exclusive of the average daily attendance of pupils in a juvenile hall school maintained by the county superintendent of schools during the preceding fiscal year. School superintendent

SEC. 16. Section 9191 of said code is amended to read:

9191. Adults enrolled in all classes, except classes maintained in English and citizenship for foreigners and classes in elementary subjects, where no charge of any kind shall be Adult classes Tuition

made, may be required by the governing board of the district maintaining the class to pay a tuition not to exceed the cost of maintaining such classes.

SEC. 16.1. Section 9707 is added to said code, to read:

Restrictions

9707. No class for adults shall be maintained by any district: (1) if the district receives compensation for such class from any public or private agency, individual or group of individuals, except fees authorized by Section 9191 and apportionments from the State and Federal Governments; or (2) if such classes are not open to the general public; or (3) if the pupils attending such classes are paid for such attendance. The State Board of Education may adopt such regulations as may be necessary to define "payment" and "payment for attendance" as used in this section.

No classes for adults shall be maintained by any district if the cost of such class is paid entirely from federal funds.

SEC 16.2. Section 9708 is added to said code, to read:

9708 No class for adults in dancing or recreational physical education shall be maintained by any district for which the district receives money from the State School Fund.

SEC. 16.3. Section 9700.1 is added to said code, to read:

"Adult"

9700.1. For the purpose of crediting attendance for apportionments from the State School Fund during the 1954-1955 Fiscal Year and thereafter, "adult" means any person who has attained his twenty-first birthday on or before September 1st or February 1st of the semester for which he has enrolled, and who has enrolled in less than 10 class hours as defined in Section 6961 for junior college districts or 10 periods of not less than 40 minutes each per week for high school districts.

SEC. 16 4. Section 8705 is added to said code, to read:

Adult classes in jails, etc

8705. High schools and junior colleges maintained in any state institution for adults or in any city, county, or city and county jail, road camp or farm shall consist only of classes for adults.

SEC. 16.5. Chapter 10.1 is added to Division 4 of said code, to read:

CHAPTER 10.1. SPECIAL DAY AND EVENING CLASSES FOR ADULTS IN SECONDARY SCHOOLS

Special classes for adults

9751 The governing board of any school district maintaining secondary schools is authorized without the approval of the State Department of Education to establish and maintain special day and evening classes for adults in civic, vocational, literacy, health, homemaking, technical and general education, including but not limited to classes in the fields of music, drama, art, handicraft, science, literature, nature study, nature contacting, aquatic sports and athletics. Such classes shall be designed to provide instruction and to contribute to the physical, mental, moral, economic, or civic development of the individuals or groups enrolled therein.

9752. Special day and evening classes for adults shall be open for the admission of adults and of such minors as in the judgment of the governing board may profit therefrom. Admission

9753. Special day and evening classes for adults may be convened at such hours and for such length of time during the day or evening and at such period and for such length of time during the school year as may be determined by the governing board of the district. Time and term

9754. Governing boards shall have the authority to provide for granting appropriate certificates or other recognition of skill or accomplishment in such classes. Certificates, etc

9755. Attendance or average daily attendance in special day or evening classes for adults pursuant to this chapter shall not be reported to the State Department of Education for apportionment. No apportionment from state funds shall be made to establish or maintain such classes. No apportionment

9756. Governing boards are authorized to expend any money from the general funds of the district to establish and maintain special day or evening classes for adults and may charge student fees not to exceed the cost of maintaining such classes or may provide instruction in such classes for remuneration by contract, or with contributions or donations of individuals or groups. Support from general funds, fees, etc

SEC. 16.6. The provisions of Sections 7098, 7112, 7113, 7114, 7119, and 7119.1 shall remain in effect until July 1, 1955. Operative duration of certain sections

SEC. 16.7. The requirement that 175 be used as a divisor in computing average daily attendance in schools and classes maintained by a county superintendent of schools and the requirement that a district maintain school for at least 175 days shall not apply to the computation of average daily attendance in schools and classes maintained by the county superintendent of schools in the 1952-53 Fiscal Year, or to apportionments from the State School Fund made for attendance in the 1952-53 Fiscal Year. The provisions of law in effect January 1, 1953, requiring a divisor of 170 and requiring that school be maintained at least 170 days shall apply to such computations and such apportionments. Exceptions

SEC. 17. 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

The adoption by the people of the State of California at the General Election held November 4, 1952, of amendments to the Constitution of the State of California amending Section 6 of Article IX, of said Constitution, to take effect July 1, 1953, requires that this act take effect immediately in order that the will of the people respecting the support of the Public School System shall be given effect.

CHAPTER 1511

An act to amend Sections 20748 and 20751 and to repeal Sections 20743, 20744, 20745, 20746, 20747 and 20752 of the Business and Professions Code, relating to petroleum oil importation.

In effect September 9, 1953

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

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

SECTION 1. Section 20748 of the Business and Professions Code is amended to read:

Monthly report by petroleum importers

20748. Every person bringing into this State crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel shall, on or before the fifteenth day of each calendar month, render to the department on forms prescribed by it a true and complete report of all such crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel brought into, delivered, sold, distributed, used, refined, distilled or blended in this State by such person during the preceding month.

SEC. 2. Section 20751 of said code is amended to read:

Misdemeanor

20751. Every person who brings or who assists another to bring into this State for storage, delivery, sale, distribution, use, refining or blending therein, any crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel in violation of this article, and every person who stores, sells, distributes, offers for sale or distribution or assists in the sale, storage, or distribution in this State of any crude petroleum oil, gasoline, distillate, kerosene, gas oil or other motor fuel which he knows has been brought into this State in violation of this article, is guilty of a misdemeanor.

Penalty

Upon conviction thereof such person shall be punished by a fine of not more than five thousand dollars ($5,000) or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. The product so brought in shall be confiscated by the department and shall be sealed by the department in the importer's tanks or containers until such time as a court of competent jurisdiction shall order and direct the final disposition of the confiscated product.

Repeals

SEC. 3. Sections 20743, 20744, 20745, 20746, 20747 and 20752 of said code are repealed.

CHAPTER 1512

An act to amend Section 1550 of, and to repeal Section 1552 of, the Welfare and Institutions Code, relating to the procedure for investigation and payment of aid to needy children.

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

In effect September 9, 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 child 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 Welfare. The county shall approve or deny such application. The investigation for eligibility shall be completed promptly, without any unnecessary delay, and with all diligence after receipt of an application with the objective that payment is made to all eligible persons within the minimum possible length of time.

If the applicant is determined to be eligible the aid shall be granted from the first day of the month in which the determination is made that he is eligible, but aid shall not begin prior to the date of application unless an earlier date is required by Section 104.1.

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 following the month in which the sixtieth day falls.

Penalty

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.

Repeal

SEC. 2. Section 1552 of said code is repealed.

CHAPTER 1513

An act to amend Sections 3301.5 and 3301.6 of, and to add Section 3301.7 to, the Health and Safety Code, relating to tuberculosis subsidy.

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

In effect September 9, 1953

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

SECTION 1. Section 3301.5 of the Health and Safety Code is amended to read:

Tuberculosis subsidy

3301.5. The amount of the tuberculosis subsidy provided by the State to cities, counties, and cities and counties separately providing care under this chapter for persons suffering from tuberculosis shall be the following:

(a) For the first thirty-six thousand five hundred (36,500) patient days of care during a year, the amount shall be two dollars and sixty cents ($2.60) per patient day.

(b) For the second thirty-six thousand five hundred (36,500) patient days of care during a year, the amount shall be two dollars and thirty cents ($2.30) per patient day.

(c) For all patient days of care in excess of seventy-three thousand (73,000) patient days during a year, the amount shall be one dollar and seventy-five cents ($1.75) per patient day.

(d) In addition to the amounts specified in subsections (a), (b) and (c), there shall be provided any additional amounts specified in any appropriation made therefor.

As used in this section and in Section 3301.6, "patient day" means the period of in-patient service rendered a patient between the census taking hours on two consecutive days, and "a year" means a period of 12 months commencing on the first day of July.

SEC. 2. Section 3301 6 of said code is amended to read:

3301.6. The amount of the tuberculosis subsidy provided by the State to each county participating jointly with one or more other counties in the establishment and maintenance of a tuberculosis hospital, ward, or sanatorium shall be based upon the patient days of care provided to persons whose admission and care have been authorized by that county, as follows:

(a) For the first thirty-six thousand five hundred (36,500) patient days of care during a year, the amount shall be two dollars and sixty cents ($2.60) per day.

(b) For the second thirty-six thousand five hundred (36,500) patient days of care during a year, the amount shall be two dollars and thirty cents ($2.30) per patient day.

(c) For all patient days of care in excess of seventy-three thousand (73,000) patient days during a year, the amount shall be one dollar and seventy-five cents ($1.75) per patient day.

(d) In addition to the amounts specified in subsections (a), (b) and (c), there shall be provided any additional amounts specified in any appropriation made therefor.

SEC 3. Section 3301.7 is added to said code, to read:

Legislative intent

3301.7. It is the intention of the Legislature to adjust from time to time state participation in the care of persons suffering from tuberculosis in accordance with changes in the cost of caring for such patients.

CHAPTER 1514

An act to add Part 5, comprising Sections 10700 to 10703, inclusive, to Division 2 of the Corporations Code, relating to participation by public agencies in the formation and activi-

ties of nonprofit port and terminal protection and development corporations.

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

In effect September 9, 1953

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

SECTION 1. Part 5 is added to Division 2 of the Corporations Code, to read:

PART 5. PORT AND TERMINAL PROTECTION AND DEVELOPMENT CORPORATIONS

"Public agency"

10700. As used in this part, "public agency," includes every port district, river port district, municipal port district, harbor district, harbor improvement district, joint harbor improvement district, Board of State Harbor Commissioners, board of harbor commissioners, city, county, and city and county in this State.

Port and terminal protection and development corporations

Authorization

10701. Every public agency owning or operating any port or marine terminal and every public agency organized for such purposes may associate itself with other public agencies, private corporations or individuals owning or operating, or organized for the purpose of owning or operating, ports or marine terminals located on the same harbor, bay, or other waterway or on communicating or related waterways, of this State and with other public agencies and with private corporations and individuals, or any of them, in the formation under the General Nonprofit Corporation Law of this State of, and may become and remain a member of, a nonprofit corporation organized under the said General Nonprofit Corporation Law for the purpose of, or the principal powers and purposes of which include, carrying on a program of nonregulatory activities in the common interests of its members, including but not limited to any or all of the following activities: studies and research into traffic conditions, cargo volume, rate structures, cost factors, commercial transportation practices, and similar fields; the acquisition and dissemination of information relative to the said and similar subjects; the representation of the common interests of its members before federal, state, and local legislative and administrative authorities; and service as a facility for the cooperation of its members and the coordination of their activities toward the maintenance and improvement of the commercial welfare and competitive position of the ports and terminals owned or operated by its members, the maintenance of equitable and nondiscriminatory rate structures, and the elimination of inequitable, unfair, or discriminatory trade practices adversely affecting the interests of its members; and the undertaking or coordination of any other program of related activities or in related fields for the mutual benefit of its members as may be desired by the membership. Every such public agency may pay the dues and assessments required of its mem-

Purposes

Public agency members

bers by such nonprofit corporation out of any funds available to it for that purpose or for its support; may make contracts; may enter into agreements; may appoint an individual as its representative to such nonprofit corporation to exercise the voting power of such public agency and to act in its behalf with respect to such nonprofit corporation; and may do or perform all acts necessary and proper to carry out the purposes of this part; but no public agency shall become or remain a member of any such nonprofit corporation unless the articles of incorporation or the by-laws of the nonprofit corporation include at all times a provision limiting the liability of members to assessments to a specified or ascertainable amount.

"Person"

10702. For the purposes of this part, of the General Nonprofit Corporation Law and of the General Corporation Law of this State, every public agency and private corporation qualifying under this part shall be deemed to be a "person" and shall have the legal capacity to act as incorporator and as member of any nonprofit corporation formed under the provisions of this part.

Exemptions

10703. If, when, and during such times as public agencies or individuals duly authorized to represent them and act in their behalf constitute a majority of the incorporators or of the directors and are entitled to exercise a majority of the voting power of a nonprofit corporation pursuant to this part:

(a) The Corporate Securities Law shall not apply to memberships nor to membership certificates issued by the corporation; and

(b) The corporation shall be exempt from payment of any taxes under the Bank and Corporation Tax Law (Part 11 of Division 2 of the Revenue and Taxation Code), except as provided in Article 2 of Chapter 4 thereof.

CHAPTER 1515

An act to amend Sections 24503 and 24504 of the Education Code, all relating to first aid equipment for schools.

In effect September 9, 1953

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

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

SECTION 1. Section 24503 of the Education Code is amended to read:

School first aid kits

24503. Every first aid kit shall include the following articles and such other equipment as the school officials charged with the duty of maintaining it may consider useful or necessary for the purpose of this chapter:

(a) 12 3″ x 3″ sterile gauze packages
4 1″ gauze roller bandages
4 2″ gauze roller bandages
4 Triangular bandages
1 Roll adhesive tape 1″ (10 yds.)

(b) An American Red Cross first aid textbook or written instructions for use of contents of the first aid kit.

SEC. 2. Section 24504 of the Education Code is amended to read:

24504. Whenever a field trip is conducted into an area which is commonly known to be infested by poisonous snakes, the first aid kit shall include a snake bite kit.

CHAPTER 1516

An act to amend Section 69655 of the Government Code, relating to the compensation of judges of the Superior Court in the County of Kern.

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

In effect September 9, 1953

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

SECTION 1. Section 69655 of the Government Code is amended to read:

69655. The annual salary of each judge of the Superior Court of the County of Kern is fifteen thousand dollars ($15,000).

Kern County Judges' salary

CHAPTER 1517

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 San Bernardino, State of California, and the disposal of any right, title, or interest of the State of California therein.

[Approved by Governor July 1, 1953. Filed with Secretary of State July 2, 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 San Bernardino, 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.

State consent to quiet title action

SEC. 2. Any action brought under the provisions of this act shall be commenced within two years from the effective date of this act.

Limitation

SEC. 3. Service of summons in any such suit shall be made upon the Chairman of the State Lands Commission and Attor-

Procedure

ney General, and it shall be the duty of the Attorney General 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 Bernardino, State of California described as follows:

Lots one, three, four, five and six of Section twenty-five (25); the south half of the southwest quarter and the southwest quarter of the southeast quarter of Section thirty-six (36) Township eleven (11) North, Range twenty-one (21) East; Lots one and two of Section thirty (30), and Lots one, two, three, four, five, six, seven, eight and nine, the southeast quarter of the northwest quarter and the south half of the southwest quarter of Section thirty-one (31) Township eleven (11) North, Range twenty-two (22) East San Bernardino meridian, containing six hundred thirty-nine and thirty-four hundredths (639.34) acres, embraced in Location 4176 Swamp and Overflowed Lands, subject to rights of way granted to the United States by an act of the Legislature, approved May 18, 1921 (Chapter 173, Statutes of California, 1921), for the uses prescribed in the act of Congress, approved June 17, 1902, relating to irrigation and reclamation; reserving to the State of California one-sixteenth of all coal, oil, gas and other mineral deposits contained in said lands, as provided by an act of the Legislature, approved May 25, 1921 (Chapter 303, Statutes of California, 1921), and reserving in the people the absolute right to fish thereupon, as provided by Section 25 of Article I of the Constitution of the State of California.

Disposal authority

SEC 5. The State Lands Commission 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.

CHAPTER 1518

An act to repeal Section 5154 of the Public Resources Code, and Article 3 of Chapter 3 of Division 1, comprising Sections 96 and 97, of the Agricultural Code, and to add Sections 25905 to 25908, inclusive, to the Government Code, relating to county fairs.

In effect September 9, 1953

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

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

Repeals

SECTION 1. Section 5154 of the Public Resources Code and Article 3 of Chapter 3 of Division 1, comprising Sections 96 and 97, of the Agricultural Code, are hereby repealed.

SEC. 2. Sections 25905 to 25908, inclusive, are added to the Government Code, to read:

25905. The board of supervisors may contract with a nonprofit corporation or association for the conducting of an agricultural fair, as agent of the county, for a period not exceeding five years. Such contract may provide for the use, possession, and management of any public park or fairgrounds by such nonprofit corporation, as agent of the county, during the period of the contract. County fairs contracts

All net proceeds received by such nonprofit corporation, from whatever source, shall be deposited within 60 days after the conclusion of any fair in a county fair fund which shall be established in the county treasury for such purpose. The board of supervisors may authorize withdrawals from said county fair fund, in advance of the conduct by such nonprofit corporation of any fair, such sums as are deemed necessary for maintenance of the grounds and buildings or advance expenses in connection with any event conducted by the nonprofit corporation, as agent of the county. County fair fund

The corporation shall submit an annual budget to the State Department of Finance, showing the estimated revenues and the proposed expenditures from all sources during the ensuing calendar year, which budget shall first be approved by the county board of supervisors and shall be considered as complying with the provisions of Section 92 of the Agricultural Code relating to budgets. Budget

Any other provisions of law relating to county fairs as a condition to receiving an allocation of state money for fair purposes shall be observed by such nonprofit corporation

When such use, possession, and management is granted, the board may also allocate to such nonprofit corporation such sum of money it deems necessary to be used for advertising or promotional work in advance of holding such fair and for any other purpose incidental to the plans and preparation of the fair.

25906. The board of supervisors of a county may contract with a nonprofit corporation or association for the conducting of an agricultural fair in such county for such period and under such conditions as the board may determine Such contracts may provide for the use, possession, and management of any public park or fairgrounds by such nonprofit corporation during the period of the contract. When such use possession, and management is granted, the board may also allocate to such nonprofit corporation such sum of money it deems necessary to be used for any purpose incidental to the fair. If such contract involves the use of property acquired with money derived from the State or if the contract contemplates the use of money allocated or appropriated by the State for such fair, the contract shall be subject to approval by the Department of Finance. If such county desires to receive an allocation under the provisions of Section 92 of the Agricultural Code, the corporation shall submit an annual budget to the State Department of Finance, showing the estimated revenues and the proposed expenditures from all sources during the ensuing Agricultural fair contracts

calendar year, which budget shall first be approved by the board of supervisors, and shall be considered as complying with the provisions of Section 92 of the Agricultural Code relating to budgets. The corporation shall also observe any other provisions of law relating to county fairs as a condition necessary for the county to receive an allocation of state money for fair purposes. Upon the dissolution of any such corporation all property and assets thereof within the county with which it contracts shall be paid to such county.

Authority to lease public parks

25907. The board of supervisors of any county owning any public park, shall have authority: (a) to lease, let or grant licenses for the use of its real estate or personal property or any portion thereof for any agricultural, horticultural, viticultural or livestock fairs or expositions, rodeos, floral displays, dog and cat shows, exhibitions of industries and industrial products or federal or state armories; to school organizations or associations thereof for the purpose of conducting athletic events participated in by such schools or associations or to civic, patriotic, benevolent, or fraternal corporations or associations, for the purpose of holding conventions, assemblies or public meetings on subjects of public or community interest; or for the sale of tangible personal property, or for concessions and services incidental to any of such purposes; or to nonprofit athletic organizations for athletic activities or to nonprofit fair associations or to nonprofit agricultural associations or to municipal corporations for use or reletting for any or all of the foregoing purposes; (b) to rent or permit the use of its premises for the holding of sales or auctions of cattle or other livestock or for other purposes beneficial to the agricultural industry.

Authority to lease fairgrounds, etc

25908. The board of supervisors of any county owning fairgrounds and fairground facilities may (a) lease, let, or grant licenses for the use of its real estate or personal property or any portion thereof to private individuals or associations for whatever purpose may be approved by said board, which will not interfere with the use of such property for fair purposes; and (b) arrange for and conduct or cause or by contract permit to be conducted by another individual, institution, corporation or association, upon such property at such time as it may deem advisable, any activity which will not interfere with the use of such property for fair purposes.

CHAPTER 1519

An act to amend Sections 21155.1 and 21159 of the Education Code, relating to tuition fees and refunds for California Maritime Academy.

In effect September 9, 1953

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

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

SECTION 1. Section 21159 of the Education Code is amended to read:

21159. Under rules and regulations established by the board with approval of the Director of Education, refunds of any fees paid by any student or a part thereof, may be made to a student withdrawing from the school or ceasing to be a pupil for causes beyond the control of the student. Any student who upon enrollment does not qualify for financial assistance from the Federal Government or other governmental agency but is subsequently found to qualify for such assistance shall for the period for which he qualifies for financial assistance from the Federal Government receive a refund in the amount of the difference between the tuition paid by him and the tuition required of students qualified to receive such assistance. Any refunds shall be approved by the Department of Finance.

California Maritime Academy: Refund of fees

SEC. 2. Section 21155.1 of said code is amended to read:

21155.1. The tuition fee required of a pupil under Section 21155 may be reduced by the board of governors, with the approval of the Department of Education and the Department of Finance, in the amount received by the State on account of such student from the Federal Government or other governmental agency. Money received from such payments shall be transmitted to the State Treasury as credit to the academy's support appropriation current at the date of issuance of the State Controller's receipt therefor as may be designated by the academy prior to its deposit in the State Treasury. Such moneys so credited are hereby appropriated for the support of the academy.

Reduction of tuition

CHAPTER 1520

An act making an appropriation to the Department of Agriculture for the purpose of providing Market News Service.

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

In effect September 9, 1953

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

SECTION 1. Out of any money in the State Treasury not otherwise appropriated, the sum of twelve thousand dollars ($12,000) is hereby appropriated to the Department of Agriculture for providing the Livestock Marketing News Service to South San Francisco during the 1953-1954 Fiscal Year.

Appropriation Market News Service

CHAPTER 1521

An act to add Section 70045 5 to the Government Code, relating to phonographic reporters.

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

In effect September 9, 1953

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

SECTION 1. Section 70045.5 is added to the Government Code, to read:

Court reporters' salaries in certain counties

70045.5. Notwithstanding the provisions of Section 70045, in any county having a population of 55,000 and not over 60,000, as determined by the 1940 federal census, each regular official reporter shall be paid an annual salary of five thousand four hundred dollars ($5,400).

CHAPTER 1522

An act to amend Section 10500, and to repeal Sections 10501, 10502, and 10503, of the Water Code, relating to appropriation of water.

In effect September 1, 1953

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

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

SECTION 1. Section 10500 of the Water Code is amended to read:

Applications for water by Department of Finance

10500. The Department of Finance shall make and file applications for any water which in its judgment is or may be required in the development and completion of the whole or any part of a general or coordinated plan looking toward the development, utilization, or conservation of the water resources of the State.

Any application filed pursuant to this part shall be made and filed pursuant to Part 2 of Division 2 of this code and the rules and regulations of the State Engineer relating to the appropriation of water insofar as applicable thereto

Applications filed pursuant to this part shall have priority, as of the date of filing, over any application made and filed subsequent thereto. Until October 1, 1955, or such later date as may be prescribed by further legislative enactment, the statutory requirements of said Part 2 of Division 2 relating to diligence shall not apply to applications filed under this part, except as otherwise provided in Section 10504.

Repeals

SEC. 2. Sections 10501, 10502, and 10503, of the Water Code, are repealed.

Validation

SEC. 3. All acts and proceedings taken in connection with applications filed under Part 2 of Division 6 of the Water Code are hereby ratified, confirmed, validated and declared to be in full compliance with all requirements of that part and sufficient to establish priorities and rights thereunder. Priorities and rights as so established shall be continued and maintained under the provisions of Section 10500, as amended by Section 1 of this act.

CHAPTER 1523

An act to amend Section 4861 of the Education Code, relating to membership of schools in educational organizations.

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

In effect September 9, 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 of school districts in educational organizations

4861. The governing board of any school district, the governing board of any junior college district may subscribe for membership for any school under its jurisdiction, and the county superintendent of schools with the approval of the county board of education may subscribe for membership in any society, association, or organization which has for its exclusive purpose the promotion and advancement of public education through research and investigation and the publication of reports on educational problems. 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 for any school or for any county superintendent of schools shall not exceed the amount of the actual dues of the society, association, or organization during any school year.

CHAPTER 1524

An act to amend Section 10503 of, and to add Sections 8752.5 and 10503.5 to, the Education Code, relating to courses in junior high schools.

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

In effect September 9, 1953

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

SECTION 1. Section 10503 of the Education Code is amended to read:

Junior high school courses

10503. The course for junior high school shall be designed to fit the needs of pupils of the seventh and eighth, or of the seventh, eighth, and ninth, or of the seventh, eighth, ninth, and tenth grades.

SEC. 2. Section 8752 5 is added to said code, to read:

8752.5. Whenever a majority of the boards of trustees of the elementary school districts comprising the high school district approve a change in the course of instruction in the junior high school or junior high schools established pursuant to this

article, and file a written statement of approval with the high school board, then the course of instruction in the junior high school or junior high schools may be changed in accordance with the written statement of approval.

SEC. 3 Section 10503.5 is added to said code, to read:

10503.5. The course for junior high school comprising the seventh and eighth grades only shall be designed to fit the needs of pupils of the seventh and eighth grades. The course shall be prepared under the direction of the governing board having control thereof and shall be subject to the approval of the State Board of Education.

CHAPTER 1525

An act to amend Section 69671 of the Government Code, relating to the salary of the Judge of the Superior Court in the County of Placer.

In effect September 9, 1953

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

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

SECTION 1. Section 69671 of the Government Code is amended to read:

Placer County: Judge's salary

69671. The annual salary of the Judge of the Superior Court of the County of Placer is fifteen thousand dollars ($15,000).

CHAPTER 1526

An act relating to the powers of the United Water Conservation District.

In effect September 9, 1953

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

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

Ventura County: Power to generate hydroelectric power

SECTION 1. The United Water Conservation District, organized and now existing in Ventura County, California, in addition to its other powers, shall have the power to construct, operate and maintain plants for the generation of hydroelectric energy in conjunction with its water conservation project or projects for the development and utilization of water for irrigation and other useful purposes within said district, and to sell such energy so generated at wholesale at the point of generation.

CHAPTER 1527

An act to amend Section 450 of the Education Code and to amend Section 28150 of the Government Code, relating to compensation for public service in counties of the fiftieth class.

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

In effect September 9, 1953

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

SECTION 1. Section 450 of the Education Code is amended to read:

450. The annual salary of the county superintendent of schools of a county of the fiftieth class is six thousand dollars ($6,000), and if acting as a superintendent of a coterminous county unified school district the salary shall be six thousand dollars ($6,000), and he shall possess a valid elementary administrative credential issued by the State Board of Education.

Calaveras County. Salaries: School superintendent

SEC. 2. Section 28150 of the Government 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:

(a) The auditor, two thousand four hundred dollars ($2,400) a year.

Auditor

(b) The district attorney, four thousand dollars ($4,000) a year and necessary traveling expenses to be allowed by the board of supervisors.

District attorney

(c) Each supervisor, three thousand six hundred dollars ($3,600) 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.

Supervisors

(d) For each day's attendance as a grand juror or a trial juror six dollars ($6) and ten cents ($0.10) for each mile actually traveled each way while serving 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.

Jurors

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 1528

An act to amend Section 69695 of the Government Code, relating to the salary of the Judge of the Superior Court in and for Tuolumne County.

In effect September 9, 1953

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

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

SECTION 1. Section 69695 of the Government Code is amended to read:

Tuolumne County Judge's salary

69695. The annual salary of the Judge of the Superior Court of the County of Tuolumne is eleven thousand five hundred twenty-seven dollars ($11,527).

CHAPTER 1529

An act to amend Section 74081 of the Government Code, to repeal Sections 74082, 74083, 74084, and 74085 thereof, and to add Sections 74082, 74083, 74084, 74085, and 74093 thereto, relating to the municipal court in a district embracing the City of Richmond.

In effect September 9, 1953

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

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

SECTION 1. Section 74081 of the Government Code is amended to read:

Richmond Municipal Court: Salaries, Judges

74081. There shall be three judges, each of whom shall receive twelve thousand four hundred forty-eight dollars ($12,448) annually.

SEC. 2. Sections 74082, 74083, 74084, and 74085 of said code are repealed.

SEC. 3. Section 74082 is added to said code, to read:

Clerk

74082. There shall be one clerk who shall receive a minimum salary of five hundred fifteen dollars ($515) monthly with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), and twenty-eight dollars ($28) a month to a maximum salary of six hundred eighteen dollars ($618) a month.

SEC. 4. Section 74083 is added to said code, to read:

74083. The clerk shall appoint:

(a) One chief deputy, who shall receive a minimum salary of four hundred ten dollars ($410) a month with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22) a month to a maximum salary of four hundred ninety-two dollars ($492) a month.

(b) Three deputy clerks who shall be court clerks, each of whom 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 of four hundred seventy dollars ($470) a month.

(c) Six deputy clerks, each of whom shall receive a minimum salary of two hundred seventy-one dollars ($271) a month with annual increments of thirteen dollars ($13), thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) a month to a maximum of three hundred twenty-six dollars ($326) a month.

(d) Eight deputy clerks, each of whom shall receive a minimum salary of two hundred thirty-six dollars ($236) a month with annual increments of eleven dollars ($11), twelve dollars ($12), twelve dollars ($12), and thirteen dollars ($13) a month to a maximum of two hundred eighty-four dollars ($284) a month.

SEC. 5. Section 74084 is added to said code, to read:

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), twenty-six dollars ($26), and twenty-eight dollars ($28) a month to a maximum of six hundred eighteen dollars ($618) a month. Marshal

SEC. 6. Section 74085 is added to said code, to read:

74085. The marshal shall appoint:

(a) Five deputy marshals, each of whom shall be paid a minimum salary of three hundred forty-one dollars ($341) a month with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), and eighteen dollars ($18) a month to a maximum of four hundred ten dollars ($410) a month.

(b) One deputy marshal, who shall be a senior clerk, and who shall receive a minimum salary of three hundred eleven dollars ($311) a month with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17) a month to a maximum of three hundred seventy-four dollars ($374) a month.

(c) One deputy marshal, who shall be a typist-clerk, and who shall receive a minimum salary of two hundred thirty-six dollars ($236) a month with annual increments of eleven dollars ($11), twelve dollars ($12), twelve dollars ($12), and thirteen dollars ($13) a month to a maximum of two hundred eighty-four dollars ($284) 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.

SEC. 7. Section 74093 is added to said code, to read:

Filing fees

74093. In any civil action or proceeding, in addition to the fees required by Article 2 of Chapter 8 of this title, a fee of four dollars ($4) shall be paid to the clerk of the 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 other first paper;

(b) Upon the filing of the answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff;

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding. The fees so required shall be taxed as costs in favor of the party paying the same and to whom costs are awarded by the judgment of the court. All fees collected under the provisions of this section shall be transmitted to the county treasurer in the same manner as fees collected under Article 2 of Chapter 8 of this title.

CHAPTER 1530

An act to amend Section 69682 of the Government Code, relating to superior court judges' salaries in the County of Santa Barbara.

In effect September 9, 1953

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

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

SECTION 1. Section 69682 of the Government Code is amended to read:

Santa Barbara County: Judges' salaries

69682. The annual salary of each Judge of the Superior Court of the County of Santa Barbara is fifteen thousand dollars ($15,000).

CHAPTER 1531

An act to amend Sections 70145 and 70146 of, and to add Section 69956 to, the Government Code, relating to officers and attaches of the superior court.

In effect September 9, 1953

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

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

SECTION 1. Section 70145 of the Government Code is amended to read:

Superior court commissioners: 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 and fix his annual salary, and in the case of a commissioner, Grade 1, may increase such salary from time to

time not to exceed the limit authorized by Section 70146. 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.

SEC. 2. Section 70146 of said code is amended to read:

70146. Unless otherwise prescribed by law, when appointed pursuant to Section 70141 court commissioners, Grade 1, shall receive an annual salary of an amount not in excess of seven thousand two hundred dollars ($7,200) as fixed by the superior court, and court commissioners, Grade 2, shall receive an annual salary of an amount not in excess of five thousand one hundred dollars ($5,100) as fixed by the superior court. Salaries

SEC. 3. Section 69956 is added to said code, to read:

69956. The official reporter shall perform the duties required of him by law. When not actually engaged in the performance of any other duty imposed on him by this code, he shall render stenographic or clerical assistance, or both, to the judge or judges of the superior court as such judge or judges may direct. In addition to the compensation otherwise provided by law, any reporter required to render such stenographic or clerical assistance shall receive such compensation therefor as the superior court may prescribe, not to exceed the sum of twenty dollars ($20) a day, which shall be payable by the county in the same manner and from the same funds as other salary demands against the county. Duties

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CHAPTER 1532

An act to create the Contra Costa County Storm Drainage District to provide for the construction and maintenance of storm drain improvements and of other watercourses or drainage channels, prescribing the powers, purposes, government and organization of the district, and providing for the levy and collection of taxes to defray the expenses thereof.

[Approved by Governor July 1, 1953. Filed with Secretary of State July 2, 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 Contra Costa County Storm Drainage District Act. Short title

SEC. 2. A storm drainage district is hereby created to be called the Contra Costa County Storm Drainage District, which district shall consist of all the territory of the County of Contra Costa lying within the exterior boundaries of said county. Contra Costa County Storm Drainage District: Creation

SEC. 3. As used in this act the following words shall, unless specifically indicated to the contrary, have the respective meanings stated: Definitions

(a) "District" shall mean the Contra Costa County Storm Drainage District.

(b) "Board" shall mean the board of supervisors of the district.

(c) "County" shall mean the County of Contra Costa, State of California.

(d) "United States" shall mean the United States of America and all bureaus, commissions, divisions, departments, boards, agencies and officers of the United States of America.

(e) "State of California" shall include the State of California and all bureaus, commissions, divisions, departments, boards, agencies and officers of the State of California.

(f) "Work or works" shall include the storm drain structures, watercourses, drainage channels, and appurtenant structures useful in the control, diversion and transmission of flood and storm waters and all land, property, franchises, easements, rights of way and privileges necessary or useful to operate or maintain any of the foregoing.

(g) "Elector" shall mean any registered voter in the district or in a zone or proposed zone affected or to be affected by any election held under this act.

(h) "Flood and storm waters" shall mean waters in excess of the seasonal normal flow of the streams in which they occur that are not usable beneficially as part of the ordinary flow of such streams.

(i) "May" is permissible, and "shall" is mandatory.

Purposes

SEC. 4. The objects and purposes of this act are to provide for the construction, installation, maintenance, and operation of storm drains, watercourses, drainage ditches, and all other appurtenant structures.

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 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 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 necessary 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.

5. To install and maintain any or all works of or useful to carrying out the purposes of this act. Such installation or maintenance may include any or all of the following work: the plac-

ing, replacing, installation, cleaning, repairing, renewal, widening, straightening, deepening or otherwise improving storm drain structures, watercourses or drainage channels, whether in existence or not, and the installation of appurtenant structures when necessary for the adequate functioning of such drainage facilities.

6. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to the installation or maintenance of storm drains, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to the installation or maintenance of storm drains within the district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use, 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.

7. To enter upon any land, to make surveys and locate the necessary works of improvements 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 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, and all necessary appurtenances; 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 Contra Costa County Storm Drainage District; 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 use within said district, or in any other work, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To incur indebtedness and to issue bonds in the manner herein provided. Bond Issues

9. To cause assessments to be levied and collected for the purpose of paying any obligation of the zones established hereunder, and to carry out any of the purposes of this act, in the manner hereinafter provided.

10. 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.

Assessments

SEC. 6. The board shall have no power to levy any assessments on a district basis and all assessments shall be levied or imposed only on land benefiting from district activities on a zone basis in zones created for specific benefits in accordance with the provisions of this act.

Eminent domain

SEC. 7. The district shall have and may exercise the right of eminent domain within the district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, 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 the district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing county, city or municipal utility district. The district shall also have and may exercise the right to condemn any existing works or improvements in the district, 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 subject to the regulation and control of the State 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 by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement, or interest as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for its 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 for its purposes.

Construction

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing county, city or municipal utility district to provide for a water supply for such county, city or municipal utility district or as affecting

the absolute control of any properties of such county, city or municipal utility district necessary for such water supply, and nothing herein contained shall be construed as vesting any power of control over such properties in said Contra Costa County Storm Drain District or in any officer thereof or in any person referred to in this act.

Board of supervisors

SEC. 8. The Board of Supervisors of Contra Costa County shall be, and is hereby designated as and empowered to act as, ex officio the Board of Supervisors of the Contra Costa County Storm Drainage District.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board, 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 Contra Costa.

Other officers

SEC. 9. The District Attorney, County Assessor, County Tax Collector, County Auditor and County Treasurer of the County of Contra Costa, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Contra Costa County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Contra Costa County Storm Drainage District and shall respectively perform, unless otherwise provided by the board, the same various duties for said district as for said Contra Costa County, in order to carry out the provisions of this act.

Necessary powers

SEC. 10. The board shall have power to make and enforce all needful rules and regulations for the administration and government of the district, and to appoint and employ all agents, superintendents, engineers, attorneys, and employees necessary or proper to perform all other acts necessary or proper to accomplish the purposes of this act.

In addition to the officers and employees herein otherwise prescribed, the board may in its discretion appoint a chairman from its membership, 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, which said officers, agents and employees so appointed shall hold their respective offices or positions during the pleasure of the board.

Engineer

SEC. 11. An engineer appointed by the board of supervisors shall be in charge of installation and maintenance, and shall, subject to the approval of the board of supervisors, do all things necessary for the proper functioning of the district. The compensation of any assistants or employees of the cost of any material necessary shall be payable out of the funds of the district. If, for any reason whatsoever, there be insufficient money in the district fund to pay the compensation of any such assistants or employees or the cost of any material, the county may advance the necessary funds for such purposes, and shall reimburse itself from moneys paid into said district fund.

Zone petition

SEC. 12. Proceedings for the establishment of a zone shall be instituted by the board when a petition requesting the formation of such zone and signed by the requisite number of property owners 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.

SEC. 13. A petition requesting the formation of a zone and the institution of a project or work of improvement permitted by this act shall:

(a) Request the board to institute proceedings to establish a zone pursuant to this act;

(b) Describe the boundaries of the territory which is proposed for inclusion within the zone;

(c) State the project or work of improvement to be provided within the zone; and

(d) Be signed by the owners of at least 50 percent of the assessed value of property within the proposed zone as shown on the last assessment roll of Contra Costa County.

SEC. 14. Before a petition is circulated, the proposed boundaries of the zone shall be submitted to the County Boundary Commission for recommendation and report in the manner provided for in Chapter 3, Title 6 of the Government Code.

Report on proposed work

SEC. 15. Prior to the hearing on the proposal by petition to establish a zone, the board shall, by resolution, direct the officer or employee of the district charged with the duty of supervising the engineering affairs of the district to make and to file a report with the board which shall show:

1. A general description of the project or work of improvement to be done; and

2. A general description of the lands, rights of way, easements, and property to be taken, acquired, or injured in carrying out such work; and

3. An estimate of the cost of such work 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 work, and also of all incidental expenses and of all operating, maintenance and other costs likely to be incurred in connection therewith.

The report shall be considered by the board, which may, by resolution, either adopt the report as filed or refer it back to the officer or employee charged with the duty of supervising engineering affairs of the district for modification or change. When a report satisfactory to the board has been filed with the board, the board by resolution shall adopt the report and shall estimate the amounts of all capital expenditures and of all operating, maintenance and other acts necessary in connection with the institution of the proposed project or work of improvement with the said zone.

SEC. 16. Within 30 days after the receipt of the engineer's report on the proposal by petition for the establishment of a zone, which report has been approved by the board, the board

shall adopt a resolution of intention to establish a zone in the form and in the manner specified in Section 18 of this act.

Board determination

SEC. 17. The board shall determine as to each project or work of improvement, either proposed by petition or instituted by the board itself, that it is either:

1. Either in whole or in part for the district as a whole, and if in part only, what part; or

2. Either in whole or in part for the common benefit of two or more zones, hereinafter referred to as participating zones, and if in part only, what part; or

3. Either in whole or in part for the benefit of a single zone, and if in part only, what part.

Resolution of intention

SEC. 18. For the purpose of acquiring authority to proceed with the establishment of a zone, or any such project, as requested by petition, 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 zones or 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 (7) days before said hearing, in a newspaper of general circulation designated by the board, 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 or 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.

Hearing

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 zone or project. Upon the conclusion of the hearing the board may abandon the proposed zone or project or proceed with the same

Levy of assessments

SEC. 19. The board of supervisors shall have power, in any year:

1. To levy 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 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 assessment levied under this subdivision, the property so taxed or assessed within a given zone is equally benefited.

2. To levy assessments upon all real property within a zone or participating zones 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.

Said assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said district 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 assessments levied under the provisions of subdivision 1 or 2 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.

Resolution to issue bonds

SEC. 20. (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 Contra Costa 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 assessments levied 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 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.

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.

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 (5) 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.

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 indebted-

ness 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.

Form, etc., of bonds

SEC. 21. 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 forty (40) years from the time of incurring the indebtedness evidenced by each issue or series.

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 county auditor, and the seal of the county 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 officer had remained in office until the delivery of the bonds.

Sale of bonds

SEC. 22. 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 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; and the proper record of such transactions shall be placed upon the books of 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.

Payment of bonds

SEC. 23. Any bonds issued under the provisions of this act, and the interest thereon, shall be paid by revenue derived from an annual assessment levied as provided in subdivision 1 of Section 19 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 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. 24. The board shall levy an 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 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 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 county in the manner provided by law for the payment of principal and interest on bonds of said county.

Applicable law

SEC. 25. 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 assessment 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 improvement 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 what-

ever constructed by any county, city and county, or municipal corporation shall be subject to assessment.

Inapplicable law

SEC. 26. A zone formed or proposed to be formed under this act, or the acquisition of any property or the construction of any improvement thereby, shall not be subject to any of the provisions of the District Investigation Law of 1933.

Investments status of bonds

SEC. 27. The bonds 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 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 may be so used.

Legislative intent

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.

Tax exemption

SEC. 28. All bonds issued under the provisions of this act shall be free and exempt from all taxation within the State of California.

Construction contracts

SEC. 29. 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 zone. 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 or 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 Title 1, Division 5, Chapter 3 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 emergency work 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 board 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.

SEC. 30. 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 zone 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. 31. Whenever bonds have been authorized by any zone or participating zone 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 storm drainage, 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.

Limitation on bond elections

SEC 32. 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.

Refunding bonds

SEC. 33. The board may, with the consent of any holder or holders of outstanding bonds of the district, exchange refunding bonds bearing a lower rate of interest for such outstanding bonds.

Whenever any holder of outstanding bond or bonds shall have consented to such exchange, the board may, by resolution entered in its minutes, order the refunding of such bonds. The resolution shall designate the numbers, denominations, dates of maturity and aggregate principal amounts of the bonds so to be refunded and shall provide for the issuance of refunding bonds in exchange therefor, the form, numbers, denominations, dates of maturity and aggregate principal amounts of which shall be the same as the bonds so to be refunded. The resolution shall also fix the rate of interest said refunding bonds shall bear, which rate shall be less than the rate provided in the bonds to be refunded. The resolution shall also fix the form of the interest coupons attached to said refunding bonds, which shall be the same as the bonds so to be refunded, excepting that the rate and amounts of interest shall be less as hereinabove provided.

The refunding bonds shall be signed by the chairman of the board or such other member of the board as said board may by resolution designate, and shall be countersigned by the county treasurer, and the seal of the county shall be affixed thereto. The interest coupons shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on said 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 refunding bond may be exchanged for its corresponding outstanding bond as the board by agreement with the holder of such outstanding bond may determine, except that in effecting such exchange, any and all matured coupons on said refunding bonds shall be detached and canceled and the principal and accrued interest of both issues shall be accepted at par value and the board shall pay said holder in cash out of moneys in the bond interest fund of the zone an amount equal to the difference between the interest on the outstanding bond and on the refunding bond accrued to the date of such exchange.

When any refunding bonds shall have been exchanged, taxes shall be levied and collected to pay the principal and interest thereof as provided by Section 24, all the provisions of which section shall apply to said refunding bonds to the same extent as to original issues.

The refunding bonds shall also be legal investments for fiduciaries and others as provided in Section 27

Effect of repeal

SEC. 34. The repeal or amendment of this act shall not in any way affect or release any of the property in 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.

SEC. 35. The Improvement Act of 1911 is applicable to this act. Applicable law

SEC. 36 The district may be dissolved by the board of supervisors as provided in this act. Upon receiving a petition signed by 50 or more freeholders and residents of such district, or by a majority of such freeholders and residents if there are less than 100 freeholders and residents in such district, requesting the dissolution of such district, the board of supervisors shall fix a time and place for the hearing of such petition, which shall be not less than 15 days nor more than 60 days after the receipt thereof, and shall, at least 10 days prior to the time so fixed, publish a notice of such hearing, once a week for two successive weeks in a newspaper of general circulation, circulated in said district, or if there is no newspaper circulated in said district, then such publication shall be made in a newspaper of general circulation, circulated in the county in which said district is located. District dissolution

SEC. 37. At the time appointed for said hearing or at any time to which the same may be continued, the board of supervisors shall hear and pass upon such petition and may grant or deny the same, and its decision thereon shall be final and conclusive.

SEC. 38. If such petition shall be granted, the board of supervisors shall by resolution order the dissolution of such district and such district shall thereupon be dissolved, and the property of such district shall remain the property of the county in which such district is located. Any remaining funds of such district shall be used by said county for the maintenance of any of the drainage facilities of said dissolved district.

SEC. 39. Any portion of the district which will not be benefited by remaining within such district may be withdrawn therefrom. Upon receiving a petition signed by 50 or more freeholders and residents within the territory desired to be withdrawn from the district, or by a majority of such freeholders and residents, if there are less than 100 freeholders and residents within the portion sought to be withdrawn, requesting the withdrawal of such portion from the district on the ground that such portion will not be benefited by remaining in said district, the board of supervisors shall fix a time and place for the hearing of such petition and protests thereto and for hearing protests to the continuance of the remaining territory as a storm drainage district, which shall be not less than 15 days, or more than 60 days after the receipt thereof. Partial withdrawal

SEC. 40. The board shall, at least 10 days prior to the time so fixed, publish a notice of such hearing once a week for two successive weeks in a newspaper of general circulation, circulated in said district, or if there is no newspaper circulated in said district, then such publication shall be made in a newspaper of general circulation, circulated in the county which the

board deems most likely to give notice to the inhabitants thereof of the proposed withdrawal.

SEC. 41. Any person interested may appear at such hearing and object to the proposed withdrawal or to the continuance of the remaining territory as a storm drainage district, and the board of supervisors shall consider the petition and all such objections and shall pass upon the same, and if it finds that said portion of the district sought to be withdrawn will not be benefited by remaining within said district, and that the territory not sought to be withdrawn will be benefited by continuing as a storm drainage district, then it shall grant said petition, and by resolution establish the boundaries of such district as reestablished after such withdrawal of territory.

SEC. 42. No withdrawal of territory from the district shall become effective unless and until any outstanding contract of such district has expired or such contract, with the consent of the parties thereto, has been modified or canceled so as to relieve such district of further obligation to pay for future maintenance within the territory so withdrawn.

SEC. 43. Upon the withdrawal of any territory from the district, all property acquired for the district shall remain vested in the county and be used in the operation of the drainage facilities of the district.

CHAPTER 1533

An act to amend Sections 28140 and 69692 of the Government Code, relating to the compensation for public service in counties of the fortieth class.

In effect September 9, 1953

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

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

SECTION 1. Section 28140 of the Government Code is amended to read:

Tehama County Salaries: Supervisors

28140. In a county of the fortieth class the annual salary of each supervisor is two thousand four hundred dollars ($2,400). 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.

Jurors

Grand jurors shall receive three dollars ($3) a day 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. Trial jurors in the superior and justice courts shall receive three dollars ($3) per day for the first day and six dollars ($6) per day thereafter during that particular trial, with mileage at the rate of eight cents ($0.08) per mile each way. 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 on the

written order of the judge of the court in which the jurors were in attendance, and the treasurer shall pay the warrants.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 2. Section 69692 of the Government Code is amended to read:

69692. The annual salary of the Judge of the Superior Court of the County of Tehama is eleven thousand five hundred twenty-seven dollars ($11,527). Judge

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CHAPTER 1534

An act to amend Section 69657 of the Government Code, relating to the compensation of the Superior Court Judge in Lake County.

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

In effect September 9, 1953

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

SECTION 1. Section 69657 of the Government Code is amended to read:

69657. The annual salary of the Judge of the Superior Court of the County of Lake is thirteen thousand dollars ($13,000). Lake County Judge's salary

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CHAPTER 1535

An act to amend Section 44.8 of the Vehicle Code, relating to emergency vehicles.

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

In effect September 9, 1953

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

SECTION 1. Section 44.8 of the Vehicle Code is amended to read:

44.8. Authorized Emergency Vehicles Owned by State Officers or Employees. A motor vehicle owned by the State or owned by a state officer or employee, when authorized by the Commissioner of the California Highway Patrol, after certification by the head of the department, if the motor vehicle is assigned to his department, or by the State Director of Civil Defense, if the motor vehicle is assigned to the Office of Civil Defense, and when used in the performance of duties imposed upon a state officer or employee by the Civil Defense Act of 1950 and the California Disaster Act, is an authorized emergency vehicle. Whenever such vehicle is being used for purposes other than those specifically authorized herein, the siren must be disconnected and the red lights covered. Any violation of this Authorized emergency vehicles

provision shall constitute a misdemeanor and the permit granted hereunder shall be revoked.

Duration

This section 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 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 1536

An act to amend Sections 19574, 19575, 19576, 19578, 19581, 19582, and 19583.5 of, to repeal Section 19585 of, and to add Section 19588 to the Government Code, relating to the state civil service.

In effect September 9, 1953

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

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

SECTION 1. Section 19574 of the Government Code is hereby amended to read:

Punitive action.

19574. The appointing power, or any person authorized by him, may take punitive action against an employee for one or more of the causes for discipline specified in this article by notifying the employee of the action, pending the service upon him of a written notice. Punitive action is valid only if a written notice is served on the employee and filed with the board not later than 15 calendar days after the date of such action. The notice shall be served upon the employee either personally or by mail and shall include: (a) a statement of the nature of the punitive action; (b) the effective date of the action; (c) a statement of the causes therefor; (d) a statement in ordinary and concise language of the acts or omissions upon which the causes are based; and (e) a statement advising the employee of his right to answer the notice and the time within which that must be done if the answer is to constitute an appeal.

Notice

SEC. 2. Section 19575 of said code is hereby amended to read:

Answer

19575. Not later than 15 calendar days after service of the notice of punitive action, the employee may file with the board a written answer to the notice, which answer shall be deemed to be a denial of all of the allegations of the notice of punitive action not expressly admitted and a request for hearing or investigation as provided in this article. With the consent of the

board or its authorized representative an amended answer may subsequently be filed. If the employee fails to answer within the time specified or after answer withdraws his appeal the punitive action taken by the appointing power shall be final. A copy of the employee's answer and of any amended answer shall promptly be given by the board to the appointing power.

SEC. 3. Section 19576 of said code is hereby amended to read:

Investigation

19576. Whenever an answer is filed by an employee who has been suspended without pay for 10 days or less the board or its authorized representative shall make an investigation with or without a hearing as it deems necessary; however, in the event an employee is suspended under subdivision (s) of Section 19572 for behavior or acts outside of duty hours, he shall, if he files an answer to the action, be afforded a hearing; or if he is suspended in more than three instances in any calendar year, he shall upon each additional suspension be afforded a hearing if he files an answer to the action.

SEC. 4. Section 19578 of said code is hereby amended to read:

Hearing

19578. Whenever an answer is filed to a punitive action other than a suspension without pay for 10 days or less, the board or its authorized representative shall within a reasonable time hold a hearing. The board shall notify the parties of the time and place of the hearing. Such hearing shall be conducted in accordance with the provisions of Section 11513 of the Government Code, except that the employee and other persons may be examined as provided in Section 19580, and the parties may submit all proper and competent evidence against or in support of the causes, but it shall be a presumption that the statement of causes is true.

SEC. 5. Section 19581 of said code is hereby amended to read:

Subpenas

19581. The board or its authorized representative shall issue subpenas for witnesses for the employee upon his written request and at his cost. The board or its authorized representative may require such costs to be prepaid.

SEC. 6. Section 19582 of said code is hereby amended to read:

Decision of board

19582. (a) Hearings may be held by the board, or by any authorized representative, but the board shall render the decision which in its judgment is just and proper.

(b) If a contested case is heard by an authorized representative he shall prepare a proposed decision in such form that it may be adopted as the decision in the case. A copy of the proposed decision shall be filed by the board as a public record. The board itself may adopt the proposed decision in its entirety, or may reduce the punitive action set forth therein and adopt the balance of the proposed decision.

(c) If the proposed decision is not adopted as provided in subdivision (b) each party shall be furnished with a copy of the proposed decision. The board itself may decide the case

upon the record, including the transcript, with or without taking any additional evidence, or may refer the case to the same or another authorized representative to take additional evidence. If the case is so assigned to an authorized representative he shall prepare a proposed decision as provided in subdivision (b) upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of such proposed decision shall be furnished to each party. The board itself shall decide no case provided for in this subdivision without affording the parties the opportunity to present either oral or written argument before the board itself. If additional oral evidence is introduced before the board itself no board member may vote unless he heard the additional oral evidence.

(d) In arriving at a decision or a proposed decision the board or its authorized representative may consider any prior suspension or suspensions of appellant by authority of any appointing power, or any prior proceedings under this article.

(e) The decision shall be in writing and contain findings of fact and the punitive action, if any. The findings may be stated in the language of the pleadings or by reference thereto. Copies of the decision shall be delivered to the parties personally or sent to them by registered mail.

SEC. 7. Section 19583.5 of said code is hereby amended to read:

Charges

19583.5. Any person with the consent of the board or the appointing power may file charges against an employee requesting that punitive action be taken for one or more causes for discipline specified in this article. The employee against whom such charges are filed shall have a right to answer as provided in this article. In all such cases a hearing shall be conducted in accord with this article and if the board finds that the charges are true it shall have the power to take such punitive action as in its judgment is just and proper.

Repeal

SEC. 8. Section 19585 of said code is hereby repealed.

SEC. 9. Section 19588 is hereby added to said code, to read:

Right to petition, etc

19588. The right to petition a court for writ of mandate, or to bring or maintain any action or proceeding based on or related to any civil service law of this State or the administration thereof shall not be affected by the failure to apply for rehearing by filing written petition therefor with the board.

CHAPTER 1537

An act to add Section 19635 to the Government Code, relating to state civil service.

In effect September 9, 1953

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

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

SECTION 1. Section 19635 is hereby added to the Government Code, to read:

19635. No punitive action shall be valid against any state employee for any cause for discipline based on any civil service law of this State, unless notice of such punitive action is served within three years after the cause for discipline, upon which such notice is based, first arose. Punitive action based on fraud, embezzlement, or the falsification of records shall be valid, if notice of such action is served within three years after the discovery of such fraud, embezzlement, or falsification.

Limitation on punitive action

CHAPTER 1538

An act to amend Sections 957 and 958 of the Welfare and Institutions Code, relating to state reimbursement of counties for juvenile homes and camps.

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

In effect September 9 1953

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

SECTION 1. Section 957 of the Welfare and Institutions Code is amended to read:

957. Where any such juvenile home or camp is established, or is to be established, and where the minimum standards and qualifications provided for in Section 955 of this article have been complied with by the county, the State of California, through the Youth Authority, out of any money herein appropriated, shall reimburse the county to the amount of one-half the cost of maintaining each child in such home or camp, but in no event shall such county receive more than ninety-five dollars ($95) per month per child.

Reimbursement for juvenile homes

SEC. 2 Section 958 of said code is amended to read:

958. Any county establishing such juvenile home or camp under the provisions of this article may, by mutual agreement, accept children committed to such home or camp by the juvenile court of another county in the State and the State shall reimburse the county maintaining the home or camp to the amount of one-half of the administrative cost of maintaining each child so committed. Payments received for the care of children from another county by a county operating a facility shall not be considered as a subvention to the county operating the facility for the purposes of determining the amount of state reimbursement. Two or more counties may, by mutual agreement, establish such juvenile homes or camps, and the rights granted and duties imposed by this article shall devolve upon such counties acting jointly. The provisions of this article shall not apply to any juvenile detention home.

Exception

SEC. 3. Section 1 of this act shall become operative July 1, 1954.

Operative date

CHAPTER 1539

An act to add Section 20342.1 to the Education Code, relating to accreditation of teacher education institutions.

In effect September 9, 1953

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

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

SECTION 1. Section 20342.1 is added to the Education Code, to read:

College accreditation expenses

20342.1. The Director of Education shall, from any moneys appropriated for the support and maintenance of a state college, pay the necessary expenses of individuals assigned by accreditation associations or organizations to investigate and evaluate a college for purposes of accreditation and to pay the fees required by accreditation associations or organizations for each college accredited by or belonging to each such association or organization.

CHAPTER 1540

An act to add Section 2.5 to, and to repeal Section 3 of an act entitled "An act relating to the performance by the Department of Public Works of highway and other cooperative work for the Federal Government, making an appropriation for administrative expenses, declaring the urgency thereof, and providing that this act shall take effect immediately," approved October 13, 1950, relating to the performance of work for the Federal Government.

In effect September 9, 1953

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

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

SECTION 1. Section 2.5 is added to the act cited in the title hereof, to read:

Duration of appropriation

Sec. 2.5. The appropriation made by Section 2 of this act shall remain available until expended.

Repeal

SEC. 2. Section 3 of the act cited in the title hereof is repealed.

CHAPTER 1541

An act to amend Section 1943 of the Civil Code, relating to hiring of real property.

In effect September 9, 1953

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

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

SECTION 1. Section 1943 of the Civil Code is amended to read:

1943. A hiring of real property, other than lodgings and dwelling-houses, in places where there is no custom or usage on the subject, is presumed to be a month to month tenancy unless otherwise designated in writing; except that, in the case of real property used for agricultural or grazing purposes a hiring is presumed to be for one year from its commencement unless otherwise expressed in the hiring. Duration of leases

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CHAPTER 1542

An act to add Section 4963.4 to the Education Code, relating to the Public School System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 1, 1953. Filed with Secretary of State July 2, 1953.] In effect immediately

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

SECTION 1. Section 4963.4 is added to the Education Code, to read:

4963.4. Notwithstanding any provision of law to the contrary, where any unified or otherwise reorganized district located entirely within one county which was unified or otherwise reorganized between January 1, 1950, and January 1, 1952, which included at the time of unification or other reorganization any component district or districts having any outstanding bonded indebtedness, and no proposals were made under Sections 4902.5 and 4902.6 for the use of the school property of such component district or districts, the board of supervisors of the county may, within sixty (60) days after the effective date of this section, fix and determine the amount of the annual charge for the use of the school property of such component district or districts acquired or constructed from the proceeds of the bonds of such component district or districts. Such annual charge shall be in the amount and subject to the terms, provisions and conditions of Sections 4963, 4963.1, 4963.2, and 4963.3. Charges for school property

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

In order that the burden of maintaining the public schools be equitably distributed it is necessary that this act go into immediate effect.

CHAPTER 1543

An act to amend Section 53661 of the Water Code, relating to reclamation districts.

In effect September 9, 1953

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

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

SECTION 1. Section 53661 of the Water Code is amended to read:

Petition for inclusion within reclamation district

53661. The board, upon receipt of the application, may file with the board of supervisors a petition to include the lands within the district.

CHAPTER 1544

An act to amend Section 12302 of the Government Code, relating to the Office of the State Treasurer.

In effect September 9, 1953

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

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

SECTION 1. Section 12302 of the Government Code is amended to read:

Treasurer's appointees

12302. The Treasurer may appoint one deputy treasurer at the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. The Treasurer may also designate and appoint, or terminate the designation and appointment of, any officer or employee of his office, in addition to the deputy treasurer, to have the powers and liabilities of a deputy; such appointment and termination of appointment to be effective when filed by the Treasurer in writing in the Office of the Secretary of State. He may also appoint and fix the salaries, subject to the provisions of the State Civil Service Act, of such officers and employees as may be necessary to carry out the duties of his office. The Treasurer may appoint as civil executive officers: one cashier, one bond officer, one deposit officer, one vault officer, one principal accountant, one bookkeeper, and one secretary-stenographer.

CHAPTER 1545

An act adding Sections 19826 and 19827 to the Health and Safety Code, relating to building regulations.

In effect September 9, 1953

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

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

SECTION 1. Section 19826 is added to the Health and Safety Code, to read:

19826. All of the provisions of this chapter apply to a county having and enforcing a local ordinance prescribing minimum standards equal to or greater than those provisions of Part 1 of this division and of Chapter 1 and Chapter 2 of Part 3 of this division which otherwise would apply to such county. Application of building regulations

SEC. 2. Section 19827 is added to the Health and Safety Code, to read:

19827. If a county ordinance as described in this chapter applies to only a portion of the unincorporated territory of such county, all of the provisions of this chapter shall apply to such portion of such unincorporated territory.

CHAPTER 1546

An act to amend Section 734 of the Welfare and Institutions Code, relating to proceedings against minors accused of crime.

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

In effect September 9, 1953

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

SECTION 1. Section 734 of the Welfare and Institutions Code is amended to read:

734. If upon the hearing, or at any time thereafter, the court determines that any person alleged to come within the provisions of subdivision (m) of Section 700 is not a fit and proper subject to be dealt with under the provisions of this chapter, the court may dismiss the petition, and direct the district attorney to prosecute the person under the general law. Prosecution of minors

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CHAPTER 1547

An act to amend Section 487a of the Penal Code, relating to the unlawful taking and transportation of carcasses and parts of carcasses of domestic animals.

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

In effect September 9, 1953

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

SECTION 1. Section 487a of the Penal Code is amended to read:

487a. (a) Every person who shall feloniously steal, take, transport or carry the carcass of any bovine, caprine, equine, ovine, or suine animal or of any mule, jack or jenny, which is the personal property of another, or who shall fraudulently appropriate such property which has been entrusted to him, is guilty of grand theft. Theft of animals

(b) Every person who shall feloniously steal, take, transport, or carry any portion of the carcass of any bovine, caprine, equine, ovine, or suine animal or of any mule, jack, or jenny, which has been killed without the consent of the owner thereof, is guilty of grand theft.

CHAPTER 1548

An act to amend Sections 73601, 73602, and 73603 of the Government Code, relating to the constitution of the municipal court in a district embracing the Cities of Daly City and South San Francisco.

In effect September 9, 1953

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

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

SECTION 1. Section 73601 of the Government Code is amended to read:

Daly City, South San Francisco Municipal Court Judge

73601. There shall be one judge, who shall receive twelve thousand four hundred forty-eight dollars ($12,448) annually.

SEC. 2. Section 73602 of said code is amended to read:

Clerk

73602. There shall be one clerk who shall receive an annual salary of five thousand one hundred dollars ($5,100).

SEC. 3. Section 73603 of said code is amended to read:

73603. The clerk may appoint:

(a) Two deputy clerks, class II, each of whom shall receive a salary of two hundred fifty-two dollars ($252) per month, and annual increments of fourteen dollars ($14), fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17) to a maximum of three hundred fourteen dollars ($314) per month.

(b) Two deputy clerks, class I, each of whom shall receive a salary of two hundred twenty-five dollars ($225) per month, and annual increments of thirteen dollars ($13), fourteen dollars ($14), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of two hundred eighty-one dollars ($281) per month.

CHAPTER 1549

An act to amend Sections 5513, 5514, and 5516 of, to repeal Section 5515 of the Welfare and Institutions Code, relating to the cost of care and transportation of sexual psychopaths.

In effect September 9, 1953

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

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

SECTION 1. Section 5513 of the Welfare and Institutions Code is amended to read:

5513. The sheriff of any county wherein an order is made by the court committing a person for an indeterminate period to a state hospital or returning such person to the court, or any other peace officer designated by the court, shall execute the writ of commitment or order of return, and receive as compensation therefor such fees as are now or may hereafter be provided by law for the transportation of prisoners to the state prison, which shall be payable in the same manner. No female person committed pursuant to this chapter shall be taken to or from any state or other hospital without the attendance of some woman of good character and mature age or of a relative of the person. Transportation of sexual psychopaths

The expense of transporting a person to a county facility or state hospital temporarily for an observation placement under this chapter and returning such person to the court is a charge upon the county in which the court is situated.

SEC. 2. Section 5514 of said code is amended to read:

5514. Certified copies of the affidavit, certification from the trial court, warrant of apprehension, order for hearing and examination, report of the probation officer and of the court appointed psychiatrists, and the order of placement for observation or order of commitment for an indeterminate period, as the case may be, shall be delivered to the person transporting the sexual psychopath to the county facility or state hospital, and shall be delivered by that person to the officer in charge of the facility or hospital.

SEC. 3. Section 5516 of said code is amended to read:

5516. The provisions of Article 5 of Chapter 1 of Part 4 of Division 6 relative to the property and support of mentally ill persons and inebriates in state hospitals, the liability for such support, and the powers and duties of the Department of Mental Hygiene and all officers and employees thereof in connection therewith shall apply to persons committed for an indeterminate period to state hospitals pursuant to this chapter the same as if such persons were expressly referred to in said Article 5. Applicable law

SEC. 4. Section 5515 of said code is repealed. Repeal

CHAPTER 1550

An act to amend Section 27178, the heading of Article 3, Chapter 3, Part 11, Division 11, Sections 27225, 27227, 27228, 27230, 27231, 27232 and 27233 of, to repeal Section 27200 of, and to add Sections 27190, 27191, 27192, 27193, 27194, 27195, 27196, 27197, 27198, 27199 and 27200, and Article 5, Chapter 3, Part 11, Division 11 to, the Water Code, relating to irriga-

tion districts, and declaring the urgency thereof, to take effect immediately.

In effect immediately

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

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

SECTION 1. Section 27178 of the Water Code is amended to read:

Irrigation district consolidation Departmental report

27178. The department shall also include in the report:

(a) If any of the land recommended to be eliminated has theretofore received water from the district in which it is situated, a recommendation of the portion, if any, of the assessments theretofore paid upon the land to the return of which the respective owners are equitably entitled.

(b) A recommendation as to any apportionment authorized under Section 27197 of this code.

Change in title

SEC. 2. The heading of Article 3, Chapter 3, Part 11, Division 11 of said code is amended to read:

Article 3. Hearing and Order and Consolidation Elections

SEC. 3. Section 27190 is added to said code, to read:

Joint hearing

27190. Within 30 days after the occurrence of any one of the following, the boards of all districts which have adopted a preliminary consolidation resolution shall set a time for a joint hearing upon the consolidation of said districts:

(a) Receipt of a report on the consolidation from the department in which the department states that the consolidation is desirable;

(b) Adoption by each board of a resolution declaring its determination that the proposed consolidation is desirable after either:

(1) Receiving the report on the consolidation from the department in which the department states the consolidation not to be desirable;

(2) Not receiving the report on the consolidation from the department within 90 days after the submission to it of the copy of the preliminary consolidation resolution from the board last adopting it.

SEC. 4. Section 27191 is added to said code, to read

27191. The time set for the hearing shall be not less than three weeks from the date of the meeting of the last board setting the time for said meeting.

SEC. 5. Section 27192 is added to said code, to read:

Same Notice

27192. Notice of the hearing shall be given by publication in at least one newspaper of general circulation printed and published in each of the districts respectively. In the event that there is no such newspaper printed and published in a particular district the notice shall be published in a newspaper of general circulation deemed by the board of that district most likely to give notice to the owners of land in that district. Each

published notice shall be published once a week for at least three consecutive weeks, the first publication to be at least 21 days before the hearing. The notice shall also be posted in three public places in each district at least 20 days before the hearing.

SEC. 6. Section 27193 is added to said code, to read:

27193. The notice shall contain:

(a) A statement of the purpose of the hearing;

(b) The names of the districts which have adopted consolidation resolutions;

(c) The time and the place of the hearing;

(d) A statement that any owner of land in any of the districts proposed to be consolidated or any other person interested in the proposed consolidation may at any time prior to the time set for the hearing file a written protest against the consolidation, or against the inclusion of his lands in the consolidated district or against the proposed apportionment of the outstanding indebtedness of the districts or any thereof, or the proposed apportionment of bonds of a district which have been authorized but are unsold, and that the protest of the owner of land in any district or other person interested in the lands in said district shall be filed with the secretary of said district at the office of the district, and that at the time and place fixed for the hearing any person or the representative of any person who has filed such written protest may appear and be heard thereon.

(e) If the report from the department has been received a statement that such report is on file in the office of the secretary of each of the districts and may be examined by any person interested.

Such notice shall be approved as to form and names to be attached thereto by the board of directors of each district to be consolidated and published in such newspapers as shall be ordered by said boards.

SEC. 7. Section 27194 is added to said code, to read:

Same Procedure

27194. At the time and place specified in the notice the boards of all districts which have adopted a consolidation resolution shall meet in joint session and shall elect one of their members to act as chairman. At said time and place, or at the time and place to which the hearing may be adjourned, the combined boards shall hear all protests filed and all evidence in support of or opposed to such protests or to consolidation or any matter involved therein. The hearing may be adjourned from time to time by a majority vote of each board but at no time for a longer period than seven days until a determination of the matter is reached.

SEC. 8. Section 27195 is added to said code, to read:

Same Determination

27195. The combined boards by a majority vote of the members of each board, after the hearing of all protests to the proposed consolidation, shall determine the land to be included in the proposed consolidated district.

Land shall be excluded which will not in the judgment of the combined boards be benefited by the works or proposed works of the districts as consolidated.

No land included in any of the districts which have adopted a consolidation resolution shall be excluded if the owner objects to the exclusion.

SEC. 9. Section 27196 is added to said code, to read:

Same: Orders

27196. At the conclusion of the hearing, the combined boards by a majority vote of the members of each board shall make an order finding:

(a) Whether or not a consolidation resolution has been duly adopted by each district;

(b) Whether or not copies thereof have been referred to the department; and

(c) Whether or not notice of the hearing has been given in accordance with law.

SEC. 10. Section 27197 is added to said code, to read:

27197. The combined boards shall also at the conclusion of said hearing by a majority vote of the members of each board make an order:

(a) Determining that the proposed consolidation will benefit the lands within the boundaries of the proposed consolidated district;

(b) Describing the lands, if any, located within any district which has adopted a consolidation resolution and which the combined boards have determined will not be benefited by the consolidation or by the works or proposed works of the districts as consolidated, and which are to be excluded from the consolidated district in the event the consolidation becomes effective;

(c) Apportioning the liability to assessment to pay all or any part or parts of the outstanding indebtedness of any of the districts to be consolidated. Such apportionment may provide that a specified percentage of the amount to be assessed each year to pay such indebtedness shall each year be assessed upon the lands lying in another of the districts, or such land therein as is not excluded in the consolidation, and all of such lands shall be and remain liable to be assessed as provided in said apportionment; provided, however, that the board of directors of the consolidated district may in its discretion in any year provide for the payment of such percentage from charges fixed and collected from said lands in lieu of said assessment. The apportionment shall be in such manner as the combined boards by a majority vote of the members of each board deem equitable and to fairly reflect the benefits;

(d) Apportioning any authorized but unissued bonds of any of the districts to be consolidated which it is proposed are to be issued after consolidation in the name of the consolidated district. Such apportionment may provide that any part, portion, or percentage of any of the bonds of the district for which the bonds originally were voted shall be borne by the land formerly lying in another district to be consolidated, or such part thereof as is not excluded in the consolidation. The apportionment shall be in such manner as the combined boards by a majority vote of each board deem equitable and to fairly reflect the benefits. Any indebtedness which is so ordered to be borne by the land

formerly in another district, or by such land therein as is not excluded in the consolidation, shall be paid from money derived from an annual assessment upon such land or charges which in the discretion of the board of the consolidated district are fixed and collected in lieu thereof and all such land shall be and remain liable to be assessed for such payments;

(e) Determining the offices of the consolidated district to be filled by election;

(f) Setting a date for an election to submit to the voters of each district the question of the consolidation of the districts subject to such exclusions, if any; and

(g) Fixing the date when the consolidation becomes effective if approved by the voters, which date shall not be later than 90 days subsequent to the canvass of the election returns.

At the conclusion of the hearing by the combined boards such boards by a majority vote of each thereof may abandon the consolidation and no consolidation shall be ordered which is not approved by a majority vote of each board.

SEC. 11. Section 27198 is added to said code, to read:

Conclusiveness of proceedings

27198. A finding of the combined boards by a majority vote of the members of each board as to the sufficiency of all prior proceedings shall be conclusive against all persons except the State upon suit by the Attorney General commenced within one year after the approval of the consolidation at the consolidation election.

SEC. 12. Section 27199 is added to said code, to read:

Consolidation election

27199. Within 10 days after the conclusion of said hearing by the combined boards, the board of each district which has adopted a preliminary consolidation resolution shall call a consolidation election to submit to the voters of said district the question of consolidation, subject to the exclusions, if any, which have previously been ordered at the joint meeting of the combined boards.

Repeal

SEC. 13. Section 27200 of said code is repealed.

SEC. 14. Section 27200 is added to said code, to read:

Election notice

27200. The notice of the consolidation election shall contain:

(a) The date and purposes of the election, and the hours the polls will be open for said election;

(b) The place the polls will be open in each precinct in each district;

(c) The names of the districts which it is proposed shall be consolidated, together with a description of the land, if any, which the combined boards at the joint hearing have determined should be excluded from the consolidated district;

(d) The name of the proposed consolidated district;

(e) The offices for which candidates shall be elected at the election.

SEC. 15. Section 27225 of said code is amended to read:

Effect of consolidation

27225 If the consolidation is approved at a consolidation election, the consolidation shall become effective upon the date specified in the order of the combined boards, and the con-

solidated district under the name specified for it in the preliminary consolidation resolutions succeeds on said date to all of the rights, privileges, and properties of all of the districts participating in the consolidation and shall be subject to all of their indebtedness, bonded and otherwise, as respectively apportioned.

SEC. 16. Section 27227 of said code is amended to read:

Elective officers

27227. If the consolidation is approved at a consolidation election, the directors and other officers elected at the election shall become the officers of the consolidated district and on or before the date the consolidation becomes effective shall qualify and on the effective date of the consolidation shall organize in the manner provided for a newly formed district.

SEC. 17. Section 27228 of said code is amended to read.

Order

27228. Within 10 days after a consolidation becomes effective, the board of the consolidated district shall make an order:

(a) Declaring the consolidation effective.

(b) Setting out the date that the consolidation became effective as provided in the order of the combined boards.

(c) Describing the land in the consolidated district.

SEC. 18. Section 27230 of said code is amended to read:

Rights of eliminated land owners

27230. If any land eliminated from the proposed consolidated district never received water from the district in which it was situated, its owners are entitled to the return of all assessments theretofore paid upon the land. Land excluded from the consolidated district by the order of the combined board of the predecessor districts under the provisions of Section 27197 of this code 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 publication of the notice of the hearing before the combined boards, as fully as though the districts had not been consolidated, and for the purposes of discharging the obligations outstanding at said time said land shall be considered as part of the consolidated district. All provisions which could be used to compel the payment by such land of its portion of the outstanding obligations had the consolidation not occurred may be used to compel the payment on the part of the land of the portion of the outstanding obligations of the predecessor district for which it is liable Such land shall not be subject to assessment or otherwise chargeable for any obligations of any nature or kind incurred after the publication of the notice of the hearing before the combined boards.

SEC. 19. Section 27231 of said code is amended to read:

Apportionment of indebtedness

27231. The board of a consolidated district within 60 days after the consolidation becomes effective shall apportion to the lands in the consolidated district any outstanding indebtedness as provided by the order of the combined boards.

SEC. 20. Section 27232 of said code is amended to read:

Same Levy of future assessments

27232. All future assessments necessary to retire the indebtedness shall be levied in accordance with the apportionment and in the manner provided in Chapter 2 of Part 10 hereof,

but as to holders of the bonds such apportionment shall not relieve any lands originally liable for the payment of principal and interest of such bonds from their original liability and all lands in the district which issue any such bonds shall be and remain liable to be assessed as provided when the bonds were issued for payment of principal and interest thereof.

SEC. 21. Section 27233 of said code is amended to read:

Sale of bonds

27233. Any bonds of any districts which have been consolidated, which bonds were authorized prior to the consolidation but which were not issued, may by order of the board of the consolidated district be issued by and in the name of the consolidated district and may be sold or disposed of in the manner provided in this division, and the proceeds of the sale or disposition shall be applied to the purpose for which the bonds were authorized. The board shall also in such event apportion such indebtedness to the lands in the consolidated district as provided by the order of the combined boards, and all future assessments necessary to retire the indebtedness so created shall be in accordance with such apportionment.

SEC. 22. Article 5 is added to Chapter 3, Part 11, Division 11, of the Water Code, to read:

Article 5. Annexation of Irrigation District to Another Irrigation District

"Annexing" and "annexed" districts

27250. An irrigation district may be annexed to another irrigation district as provided in this article.

The words "annexing district" as used in this article shall mean the district to which another irrigation district is to be annexed.

The words "annexed district" as used in this article shall mean the district which is to be or has been annexed to another irrigation district.

Preliminary resolutions re annexation

27251. Whenever in the judgment of the board of a district it is for the best interest of the district that it be annexed to another irrigation district, the board may pass a preliminary resolution so declaring and stating the facts which in the opinion of the board make such annexation desirable. Such preliminary resolution shall state that in the opinion of the board such annexation is desirable and should be made and shall request the board of the annexing district to take the necessary steps for such annexation under this article. Such resolution may contain any terms or conditions proposed for such annexation.

27252. When a certified copy of said resolution requesting annexation is filed with the board of the annexing district, such board may pass a preliminary resolution stating that such annexation is desirable and consenting thereto. Such resolution may state generally the terms and conditions upon which the proposed annexation may be made, and except as so stated the effect of such annexation shall be as set forth in this article.

Investigation

27253. A certified copy of each of said resolutions shall be forwarded to the department. Upon receipt of said certified

copies the department shall forthwith make or cause to be made any investigation that it deems necessary. Upon the completion of the investigation, but not more than 90 days after the receipt by the department of the certified copy of the preliminary resolution of the board last adopting such a resolution, the department shall submit to each board its report thereon.

Departmental report

27254. The department shall include in the report:

(a) A recommendation as to the terms and conditions upon which the district may be annexed;

(b) Its recommendation as to the desirability of such annexation and a statement of the reasons of the department therefor. A certified copy of said report shall be filed with the board of each of the districts.

Joint hearing

27255. Within 30 days after the occurrence of any one of the following, the board of each district which has adopted a preliminary resolution stating the proposed annexation is desirable shall set a time for a joint hearing upon the proposed annexation:

(a) Receipt of a report on the annexation from the department in which the department states that the annexation is desirable;

(b) Adoption by each board of a resolution declaring its determination that the proposed annexation is desirable after either:

(1) Receiving the report on the annexation from the department in which the department states the annexation not to be desirable;

(2) Not receiving the report on the annexation from the department within 90 days after the submission to it of the copy of the preliminary resolution of the board last adopting it.

27256. The time for the hearing shall not be less than three weeks from the date of the meeting of the last board setting the time for said hearing.

Notice

27257. Notice of the hearing shall be given by publication in at least one newspaper of general circulation printed and published in the annexed district and in at least one such newspaper printed and published in the annexing district. In the event that there is no such newspaper printed and published in one of the districts, the notice shall be published in a newspaper of general circulation deemed by the board of that district most likely to give notice to the owners of land in that district. Each published notice shall be published once in at least three consecutive calendar weeks, the first publication to be at least 21 days before the hearing. The notice shall also be posted in three public places in each district at least 20 days before the hearing.

27258. The notice shall contain:

(a) A statement of the purpose of the hearing;

(b) The name of the annexing district and the name of the district proposed to be annexed;

(c) The general terms and conditions of the proposed annexation;

(d) The time and place of the hearing;

(e) A statement that any owner of land in either of the districts, or any other person interested in the proposed annexation, may, at any time prior to the time set for the hearing, file a written objection or protest against the annexation or against the inclusion of his lands in the territory to be annexed or against the proposed terms and conditions of the annexation, or any thereof;

(f) That all objections or protests must be filed with the secretary of the annexing district at the office of such district, and that at the time and place fixed for the hearing any person, or the representative of any person who has filed such written protest, may appear and may be heard thereon;

(g) If the report from the department has been received, a statement that such report is on file in the office of the secretary of each of the districts and may be examined by any person interested.

Such notice shall be approved as to form and the names to be attached thereto by the board of directors of each district and published in such newspapers and posted at such places as shall be ordered by said boards.

Hearing procedure

27259. At the time and place specified in the notice the boards of the two districts shall meet in joint session. The president of the annexing district shall act as chairman. At said time and place, or at any time and place to which the hearing may be adjourned or continued, the combined boards shall hear all objections or protests filed and all evidence in support of or opposed to such protests or to the proposed annexation, or any matter involved therein. The hearing may be adjourned or continued from time to time by a majority vote of each board. No adjournment or continuance shall be for a longer period than seven days, and the total of all continuances or adjournments shall not exceed 90 days.

27260. The combined boards, by a majority vote of the members of each board, at the conclusion of the hearing shall approve or disapprove the proposed annexation, or may modify the territory to be annexed, by excluding any lands which, in the judgment of the combined boards, will not be benefited by the annexation and approve such modified annexation. No land shall be excluded if the owner thereof objects to the exclusion.

Orders

27261. At the conclusion of the hearing the combined boards, by a majority vote of the members of each district, shall make an order finding:

(a) Whether or not a preliminary annexation resolution has been duly adopted by each board;

(b) Whether or not copies thereof have been referred to the department;

(c) Whether or not the notice of the hearing has been given in accordance with the law.

27262. The combined boards shall also, at the conclusion of said hearing, by a majority vote of the members of each board, if the proposed annexation is approved as proposed or as the

boundaries of the territory to be annexed may be modified at the hearing, make an order:

(a) Determining that the annexation of the district will benefit the lands as described or referred to in the order as proposed to be annexed or the lands described in the order if the boundaries have been modified, and will also benefit the lands within the annexing district;

(b) Describing the lands, if any, which the combined boards have determined will not be benefited by the annexation and which are to be excluded from the district in the event the annexation becomes effective;

(c) Stating the terms and conditions upon which the annexation is to be made. Unless otherwise stated in said terms and conditions, any annexed district or any portion of such district annexed under this article shall, upon annexation, become subject to all of the outstanding indebtedness of the annexing district, and all lands so annexed shall become, be and remain liable to be assessed in the manner provided in the Irrigation District Law for the payment of such outstanding indebtedness of the annexing district.

Such terms and conditions may also state the sum or sums or otherwise describe the indebtedness, or method of payment of any sum or amount to be paid to any metropolitan water district or any county water authority for or on behalf of the annexed district or the lands annexed and for which the lands in the annexed district shall be and remain liable to be assessed;

(d) Determining whether authorized, but unissued, bonds of the annexed district which it is proposed are to be issued after the annexation in the name of the annexing district shall be paid from assessments to be levied upon lands in the annexing district. If the unissued bonds are to be payable entirely from assessments upon lands in the annexed district, or such lands therein as are not excluded in the annexation, then upon annexation and the issuance of such bonds such bonded indebtedness shall be payable solely from moneys derived from an annual assessment upon such lands in the annexed district or charges which, in the discretion of the board of the annexing district, are fixed and collected in lieu thereof, and all such lands in the annexed district shall be and remain liable to be assessed for such payments;

(e) Fixing the date when the annexation becomes effective if approved by the voters, which date shall not be later than six months subsequent to the canvass of the election returns.

Election

27263. Said order shall fix a date for an election to be held in the districts at which shall be submitted to the voters of each district the question of the annexation of the district, or if any land has been excluded, of the territory to be annexed. The resolution shall also contain:

(a) The date and purpose of the election;

(b) The name of the district which it is proposed shall be annexed to the annexing district, or a general description of

the land to be annexed, if the combined boards at the hearing modified the boundaries of the territory to be annexed;

(c) The hours the polls will be open at said election;

(d) The place in which the polls will be open in each precinct in each district. Such precincts may be designated by name or number or otherwise generally referred to or described;

(e) The names of the election officers in each precinct;

(f) The form of the ballot to be used at said election, which shall contain the words "Annexation—Yes" or "Annexation —No," or words equivalent thereto.

In all respects not otherwise stated in said resolution said election shall be held and conducted as are general elections under the Irrigation District Law.

Said resolution shall be authenticated in such manner as may be ordered by the combined boards; shall be entered in full in the minutes of each board; and shall be published as the notice of election.

Conclusiveness of proceedings

27264. No action, suit or proceeding to set aside, cancel, avoid or annul any of the proceedings, acts or determinations made in the proceeding for said annexation or to question the validity of said annexation shall be maintained by any person unless such action shall be commenced within 90 days after the date of the election or annexation, and thereafter all persons, including the State of California, shall be barred from any such action, suit or proceeding, and after said 90 days has expired the resolution declaring the territory or district annexed shall be conclusive evidence of the regularity and validity of such annexation.

Election notice

27265. Said resolution shall be published in a newspaper of general circulation in the annexed district and in a newspaper of general circulation in the annexing district. Such publication shall be once a week in at least three consecutive calendar weeks, the first publication to be at least 21 days prior to the election. In the event there is no such newspaper printed and published in one of the districts, the notice shall be published in a newspaper of general circulation deemed by the combined boards most likely to give notice to the electors of that district. Sample ballots and polling-place cards shall be mailed to the qualified electors in each district by the secretaries of the respective districts and shall be mailed within the time fixed in the Elections Code.

Canvass of votes

27266. All returns from said election shall be filed in the office of the secretary of the annexing district, and the boards of the two districts shall meet in joint session in the office of the said annexing district and canvass the returns and the absentee vote substantially in the manner provided for in a general election in an irrigation district. If a majority of the votes cast in each district at such annexation election are in favor of such annexation, the annexation is approved. If such annexation is approved, the board shall adopt a resolution:

Annexation resolution

(a) Declaring that was the vote cast at said election;

(b) Declaring that the district or territory to be annexed is annexed to, incorporated in and made a part of the annexing district and that such annexation becomes effective for all purposes on the date fixed in the resolution or order calling the election (stating such date);

(c) Describing the boundaries of the annexing district as enlarged by such annexation.

Such resolution shall be entered in full in the minutes of each board. A copy of the resolution, certified by the secretaries of the two districts, shall be forthwith filed for record in the office of the county recorder of each county in which any part of the districts lies.

Effect of annexation

27267. If the annexation is approved at the election, it shall become effective upon the date specified in the order of the combined boards, and the territory in the annexed district shall thereupon become incorporated in and a part of the annexing district, and the annexing district on said date shall succeed to all of the rights, privileges and properties of the annexed district and shall carry out all contracts and other obligations of such annexed district with funds raised by assessments upon the lands in such annexed district or charges made in whole or in part in lieu of said assessments, and said annexed district shall be dissolved; provided, however, that all property in said annexed district shall be and remain liable to be assessed for the payment of any and all contracts or obligations of said annexed district incurred prior to the effective date of annexation and to assessment for the payment of any bonds theretofore authorized by the annexed district which are to be issued later by the annexing district for such annexed district. After such effective date any territory excluded in such annexation shall not be a part of either district, but shall be and remain liable to be assessed for all outstanding indebtedness of the annexed district, and such territory shall not be liable for any indebtedness of any kind or nature, bonded or otherwise incurred after the effective date of the annexation.

Authorized unissued bonds

27268. Any bonds of the annexed district, which were authorized prior to the annexation, but which were not issued, may, by order of the board of the annexing district, be issued by and in the name of the annexing district and may be sold or disposed of in the manner provided in this division, and the proceeds of the sale or other disposition of such bonds shall be applied to the purposes for which the bonds were authorized. Such bonds shall be signed by the officers of the annexing district and shall mature at such times and bear such rate or rates of interest as may be fixed by the board of the annexing district. Such bonds shall recite upon their face that they are payable solely from assessments levied upon lands in the annexed district in the manner provided in the Irrigation District Law, and all assessments necessary to pay principal and interest upon such bonded indebtedness shall be levied upon such lands in the annexed district and such lands shall be and remain liable to be assessed for such payments. No lands in the annexing

district as same existed prior to such annexation shall be subject to assessment for the payment of principal or interest of said bonds.

The board of the annexing district may prescribe the form of the bonds and coupons and provide for the issuance thereof, all in accordance with the authorization of the bonds at the election in the annexed district. Said bonds may be certified as legal investments by the Districts Securities Commission in substantially the same manner as other bonds of irrigation districts are certified, and the certification of such bonds by the Controller shall have the same force and effect as the certification of any other bonds under the Districts Securities Commission Law.

Urgency

SEC. 23. 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 water shortages in many parts of the State, and in order to fill their water needs, irrigation districts have found it necessary and expedient to consolidate or to annex other irrigation districts. This act amplifies and improves the present method for the consolidation of irrigation districts and it provides a method for the annexation of one irrigation district to another. Such consolidations result in better and more dependable supplies of water, and in order that these supplies of water can be assured for the coming summer and the early autumn, it is necessary that this act take effect immediately.

CHAPTER 1551

An act to cure defects in maps or plats filed for record prior to April 1, 1953, and in deeds or conveyances referring to such maps.

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

In effect September 9, 1953

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

Curing of defects in record maps

SECTION 1. Any map or plat recorded or filed with the county recorder of the county in which the lands shown on said map or plat are situated prior to the first day of April, 1953, shall for all purposes be deemed to have been properly so recorded or filed and to comply with all the requirements of the laws in force at the time it was so recorded or filed, notwithstanding any defect, omission or informality in the preparation or execution of such map or plat or of the affidavits, certificates, acknowledgments, endorsements, acceptances of dedication or other matters thereon, or required to be thereon, by any law in force at the time of such recording or filing and all sales or conveyances of land by reference to any such map or plat shall be valid as though said map or plat had been made certi-

fied, endorsed, acknowledged and filed in all respects in accordance with the laws in force at the time said map or plat was so recorded or filed. And any deed or conveyance referring to any such map or plat, which prior to the passage hereof, was copied into the proper book of records kept in the office of any county recorder shall impart after the passage hereof notice of its contents to subsequent purchasers and incumbrancers, notwithstanding any defect, omission or informality in the preparation or execution of such map or plat or of the affidavits, certificates, acknowledgments, endorsements, acceptances of dedication or other matters thereon or required to be thereon by any law in force at the time of such recording or filing. Provided, however, that nothing in this section shall be deemed to cure, confirm or validate any defect in measurement, surveying, or drafting or any other cartographical error.

Limitation

CHAPTER 1552

An act to add Section 12146 to the Education Code, relating to the licensing of public school employees.

In effect September 9, 1953

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

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

SECTION 1. Section 12146 is added to the Education Code, to read:

Standard for general pupil personnel services credential

12146. The minimum standard for the general pupil personnel services credential in the fields of child welfare and supervision of attendance, psychology, and psychometry, as authorized by Sections 12136, 12144, and 12145, respectively, and, for pupils in the regular elementary and secondary day schools of the Public School System, in the fields of pupil counseling and social work, shall be a baccalaureate degree secured in an institution accredited by the State Board of Education and such additional requirements as may be prescribed by said board.

This credential shall authorize such service as may be prescribed by the State Board of Education.

CHAPTER 1553

An act to add Section 36.2 to the Water Conservation Act of 1931, relative to water conservation districts.

In effect September 9, 1953

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

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

SECTION 1. Section 36.2 is added to the Water Conservation Act of 1931, to read:

Sec. 36.2. In the event that the board of directors determine, by resolution, that it would be inequitable to secure all or any portion of the money necessary for any project of the district (including obligations of the district arising from contracts with local, state or federal agencies, bureaus or authorities for the furnishing of a water supply to the district, or the construction of works for the district, where the actual construction is undertaken and financed in the first instance by such agency, bureau or authority, subject to later repayment in whole or in part by the district), through the levy of assessments on land or real property in accordance with the assessed value thereof, the board shall cause to be prepared any necessary plans and specifications of the project, and estimates of the repayment obligations of the district, together with an assessment of the amount of the cost, or portion thereof as determined by the board, apportioned to the various tracts of land in the district according to the benefits that will accrue to each such tract by reason of the expenditures of the money for the project, or for the repayment obligations of a contract, payable in not to exceed 40 annual installments with interest at an annual rate not to exceed 7 percent. The board of directors constitute a board of commissioners to levy and apportion the assessment. The resolution, plans, specifications, estimate, and proposed assessment shall be filed in the district office and shall be subject to public inspection.

Apportionment of water conservation district assessment

The resolution shall also designate that portion of the cost of the project, if any, that the board determines can be secured equitably by means of an assessment on all lands in the district, or if so determined by the board, on all real property within the district, in accordance with the assessed value of the land (or real property) as it appears on the county assessment roll, payable in not to exceed 40 annual installments at an annual rate not to exceed 7 percent.

In lieu of securing such portion of the cost through a separate assessment levied on the land (or real property) the board may elect to pay such portion of the cost from funds secured for general purposes by assessments levied on all of the land within the district pursuant to the provisions of Section 28 and subject to the limitations contained therein. If the board so elects, it shall so state in the resolution and the amount of money to be so paid shall not be considered by the electors in the election provided in this section.

After the filing of the resolution, plans, specifications, estimate, and proposed assessments, the board of directors shall hold a hearing upon the matter, notice of which shall, not later than three weeks prior to the date of the hearing, be posted in three public places within the district and published in a newspaper of general circulation published within the district once a week for three weeks if published in a weekly or semiweekly newspaper or for at least 10 days if published in a daily newspaper, the first publication being at least 30 days prior to the date fixed for the hearing.

Hearing

At the hearing the board shall hear such objections to the resolution, plans, specifications, estimates, and proposed assessments and apportionment thereof as may come before it and at such hearing shall make such changes in reference thereto as it considers proper.

If (a) more than 40 percent in number of the holders of title or evidence of title to land within the boundaries of all cities within the district, or if (b) more than 40 percent in number of the holders of title or evidence of title to land within the unincorporated areas of the district, shall object, at the hearing, to the levy of the proposed assessment, the board shall take no further action on the matter.

Election

If no sufficient objections are presented to the board it shall call an election to be held in the district for the purpose of authorizing the assessment. It shall provide for the submitting of the question of levying the assessment to the qualified electors of the district at an election called for that purpose and the words to appear upon the ballot shall be: "Project assessment—Yes" and "Project assessment—No" or words of similar import, together with a general statement of the amount and purpose of the assessment to be levied. Several purposes may be submitted at the same election. None but qualified electors of the district shall be permitted to vote at the election.

Notice of the election shall be posted and published and the election shall be conducted, insofar as practicable, in accordance with the provisions of Section 36.

If a majority of the votes cast by the qualified electors in cities and a majority of the votes cast by the qualified electors residing in unincorporated areas for the proposition shall have been marked and counted "Project assessment—Yes" or appear to favor the proposition submitted, then the proposition shall be deemed to have been accepted by the voters and to authorize the levy of the assessment to the amount of and for the purpose stated in the proposition.

The project assessment, or any installment thereof, shall be and remain a lien on the lands in the same manner as, and be a part of, the annual assessment of the district.

Warrants

The district shall issue warrants for the amount of the project assessment, which warrants shall be made payable in the amount and at times corresponding substantially to the payments of the installments of the project assessments, plus any money to be paid from funds secured by assessments for general district purposes as herein provided, and which bear interest at such rate of interest as may have been fixed in the levy of the project assessment. Said warrants shall be payable only out of funds derived from the levy and collection of the project assessments and, if so stated in the resolution proposing the project, from the assessments made for general district purposes under the provisions of Section 28 of this act.

Proceeds

The proceeds arising from the sale of the warrants shall be paid into the treasury of the district and placed to the credit

of a special project fund and expended only for the purpose for which the indebtedness was created.

CHAPTER 1554

An act to amend Sections 3082, 3088 and 3474 of the Welfare and Institutions Code, relating to aid to the blind.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 3082 of the Welfare and Institutions Code is amended to read:

Application for aid to blind Investigation and grant

3082. The board of supervisors shall immediately investigate into the merits of all applications for aid under the provisions of this chapter and Chapter 3 of this part. Such investigation shall be completed promptly, without any unnecessary delay, and with all diligence after receipt of an application with the objective that payment is made to all eligible persons within the minimum possible length of time.

If the applicant is determined to be eligible the aid shall be granted from the first day of the month in which the determination is made that he is eligible, but aid shall not begin prior to the date of application unless an earlier date is required by Section 104.1.

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 following the month in which the sixtieth day falls.

SEC. 2. Section 3088 of said code is amended to read:

Duty and liability of responsible relative

3088. If any applicant receiving aid under the provisions of this chapter has residing within the State a spouse, parent, or adult child, pecuniarily able to support him, upon the failure of such kindred to perform their duty to support the blind person the board of supervisors may request the district attorney or other civil legal officer of the county to proceed against the kindred in the order of their responsibility for support.

Upon such request the district attorney, or other civil legal officer of the county granting aid may, on behalf of the county, maintain an action in the superior court of the county granting such aid, against such relatives, in the order named: (1) to recover for the county such portion of the aid granted as the courts find such relative or relatives pecuniarily able to pay and (2) to secure an order requiring the payment to the county of any sums which may become due in the future for which the relative may be liable. The receipt of aid by the applicant under the provisions of this chapter, however, shall not be contingent upon such recovery or such order. The sums so recovered shall be credited by the county in its settlement with the State.

The degree of liability of a responsible relative under this section shall be determined in accordance with the provisions of Section 2181 of this code.

SEC. 3. Section 3474 of said code is amended to read:

Same. Legal proceedings

3474. If any applicant receiving aid under the provisions of this chapter has residing within the State a spouse, parent, or adult child, pecuniarily able to support him, upon the failure of such kindred to perform their duty to support the blind person the board of supervisors may request the district attorney or other civil legal officer of the county to proceed against the kindred in the order of their responsibility for support.

Upon such request the district attorney, or other civil legal officer of the county granting aid may, on behalf of the county, maintain an action in the superior court of the county granting such aid, against such relatives, in the order named: (1) to recover for the county such portion of the aid granted as the courts find such relative or relatives pecuniarily able to pay and (2) to secure an order requiring the payment to the county of any sums which may become due in the future for which the relative may be liable. The receipt of aid by the applicant under the provisions of this chapter, however, shall not be contingent upon such recovery or such order. The sums so recovered shall be credited by the county in its settlement with the State.

The degree of liability of a responsible relative under this section shall be determined in accordance with the provisions of Section 2181 of this code.

CHAPTER 1555

An act to amend Sections 2181, 3088 and 3474 of the Welfare and Institutions Code, relating to old age security and aid to the blind, in respect to the liability of responsible relatives of recipients thereof.

In effect September 9, 1953

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

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

SECTION 1. Section 2181 of the Welfare and Institutions Code is amended to read:

Old age security. Relatives' contribution scale

2181. The board of supervisors shall determine the ability of responsible relatives to contribute to the support of applicant and designate the amount of aid, if any, to be granted. The maximum degree of liability of the responsible relative shall be determined by "Relatives' Contribution Scale." In determining ability to contribute, the financial circumstances of responsible relatives shall be given due consideration and, in unusual cases, contributions at less than the amount fixed by "Relatives' Contribution Scale" may be made as the board of supervisors may deem justifiable.

For purposes of this chapter, income of a responsible relative is defined as the sum of the income constituting the separate property of the responsible relative, the income (excluding earnings) which is community property subject to the direction and control of the responsible relative, and the earnings of the responsible relative but not of his or her spouse.

In computing net income, a flat 20 percent allowance shall be permitted in lieu of a reduction for the actual amount of personal income taxes, unemployment insurance taxes and social security taxes.

A responsible relative who is self-employed shall also be allowed to deduct the expenses necessary for obtaining the income.

RELATIVES' CONTRIBUTION SCALE

A. Net monthly income of responsible relatives in family	B. Number of persons dependent upon income									
	1	2	3	4	5	6	7	8	9	10 and over
	C. Maximum required monthly contributions									
200 or under	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
201- 225	5	0	0	0	0	0	0	0	0	0
226- 250	10	0	0	0	0	0	0	0	0	0
251- 275	15	0	0	0	0	0	0	0	0	0
276- 300	20	0	0	0	0	0	0	0	0	0
301- 325	25	5	0	0	0	0	0	0	0	0
326- 350	30	10	0	0	0	0	0	0	0	0
351- 375	35	15	5	0	0	0	0	0	0	0
376- 400	40	20	10	0	0	0	0	0	0	0
401- 425	45	25	15	5	0	0	0	0	0	0
426- 450	50	30	20	10	0	0	0	0	0	0
451- 475	55	35	25	15	5	0	0	0	0	0
476- 500	60	40	30	20	10	0	0	0	0	0
501- 525	65	45	35	25	15	5	0	0	0	0
526- 550	70	50	40	30	20	10	0	0	0	0
551- 575	75	55	45	35	25	15	5	0	0	0
576- 600	80	60	50	40	30	20	10	0	0	0
601- 625	85	65	55	45	35	25	15	5	0	0
626- 650	90	70	60	50	40	30	20	10	0	0
651- 675	95	75	65	55	45	35	25	15	5	0
676- 700	100	80	70	60	50	40	30	20	10	0
701- 725	105	85	75	65	55	45	35	25	15	5
726- 750	110	90	80	70	60	50	40	30	20	10
751- 775	115	95	85	75	65	55	45	35	25	15
776- 800	120	100	90	80	70	60	50	40	30	20
801- 825	125	105	95	85	75	65	55	45	35	25
826- 850	130	110	100	90	80	70	60	50	40	30
851- 875	135	115	105	95	85	75	65	55	45	35
876- 900	140	120	110	100	90	80	70	60	50	40
901- 925	145	125	115	105	95	85	75	65	55	45

RELATIVES' CONTRIBUTION SCALE

A. Net monthly income of responsible relatives in family	B. Number of persons dependent upon income									
	1	2	3	4	5	6	7	8	9	10 and over
	C. Maximum required monthly contributions									
926- 950	$150	$130	$120	$110	$100	$90	$80	$70	$60	$50
951- 975	155	135	125	115	105	95	85	75	65	55
976-1,000	160	140	130	120	110	100	90	80	70	60
1,001-1,025	165	145	135	125	115	105	95	85	75	65
1,026-1,050	170	150	140	130	120	110	100	90	80	70
1,051-1,075	175	155	145	135	125	115	105	95	85	75
1,076-1,100	180	160	150	140	130	120	110	100	90	80
1,101-1,125	185	165	155	145	135	125	115	105	95	85
1,126-1,150	190	170	160	150	140	130	120	110	100	90
1,151-1,175	195	175	165	155	145	135	125	115	105	95

Contribution where income over $1,175

The maximum required monthly contribution of responsible relatives in one family where the net monthly income is over one thousand one hundred seventy-five dollars ($1,175) shall be the amount computed by entering the column of maximum required monthly contribution appropriate to number of persons dependent upon income as shown in the relatives' contribution scale for a net monthly income of one thousand one hundred fifty-one dollars ($1,151) to one thousand one hundred seventy-five dollars ($1,175) and then adding to the required monthly contribution thus ascertained an additional sum of five dollars ($5) contribution for each and every bracket of twenty-five dollars ($25) net income over and above one thousand one hundred seventy-five dollars ($1,175), the same as if the relatives' contribution scale were extended by brackets of twenty-five dollars ($25) net income in Column A with corresponding step by step increases of five dollars ($5) monthly contribution in each column under B and C.

SEC. 2. Section 3088 of said code is amended to read:

Aid to blind
Duty, liability of responsible relative

3088. If any applicant receiving aid under the provisions of this chapter has residing within the State a spouse, parent, or adult child, pecuniarily able to support him, upon the failure of such kindred to perform their duty to support the blind person the board of supervisors may request the district attorney or other civil legal officer of the county to proceed against the kindred in the order of their responsibility for support.

Upon such request the district attorney, or other civil legal officer of the county granting aid may, on behalf of the county, maintain an action in the superior court of the county granting such aid, against such relatives, in the order named: (1) to recover for the county such portion of the aid granted as the courts find such relative or relatives pecuniarily able to pay and (2) to secure an order requiring the payment to the county

of any sums which may become due in the future for which the relative may be liable. The receipt of aid by the applicant under the provisions of this chapter, however, shall not be contingent upon such recovery or such order. The sums so recovered shall be credited by the county in its settlement with the State.

The degree of liability of a responsible relative under this chapter shall be determined in accordance with provisions of Section 2181 of this code.

SEC. 3. Section 3474 of said code is amended to read:

Same· Legal proceedings

3474. If any applicant receiving aid under the provisions of this chapter has residing within the State a spouse, parent, or adult child, pecuniarily able to support him, upon the failure of such kindred to perform their duty to support the blind person the board of supervisors may request the district attorney or other civil legal officer of the county to proceed against the kindred in the order of their responsibility for support.

Upon such request the district attorney, or other civil legal officer of the county granting aid may, on behalf of the county, maintain an action in the superior court of the county granting such aid, against such relatives, in the order named: (1) to recover for the county such portion of the aid granted as the courts find such relative or relatives pecuniarily able to pay and (2) to secure an order requiring the payment to the county of any sums which may become due in the future for which the relative may be liable. The receipt of aid by the applicant under the provisions of this chapter, however, shall not be contingent upon such recovery or such order. The sums so recovered shall be credited by the county in its settlement with the State.

The degree of liability of a responsible relative under this chapter shall be determined in accordance with provisions of Section 2181 of this code.

CHAPTER 1556

An act to amend Sections 74301, 74302 and 74303 of the Government Code, relating to the constitution of the municipal court in a district embracing the Cities of San Carlos and Redwood City.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 74301 of the Government Code is amended to read:

San Carlos-Redwood City Municipal Court. Judges

74301. There shall be two judges, each of whom shall receive twelve thousand four hundred forty-eight dollars ($12,448) annually.

SEC. 2. Section 74302 of said code is amended to read:

Clerk

74302. There shall be one clerk who shall receive an annual salary of five thousand one hundred dollars ($5,100).

SEC. 3. Section 74303 of said code is amended to read:

74303. The clerk may appoint.

(a) One chief deputy clerk who shall receive a salary of two hundred eighty-one dollars ($281) a month, and annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), and nineteen dollars ($19) to a maximum of three hundred fifty-one dollars ($351) a month.

(b) Two deputy clerks, each of whom shall receive a salary of two hundred fifty-two dollars ($252) a month, and annual increments of fourteen dollars ($14), fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17) to a maximum of three hundred fourteen dollars ($314) a month.

(c) Four deputy clerks, each of whom shall receive a salary of two hundred twenty-five dollars ($225) a month, and annual increments of thirteen dollars ($13), fourteen dollars ($14), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of two hundred eighty-one dollars ($281) a month.

CHAPTER 1557

An act to amend Sections 980b and 981a of the Code of Civil Procedure, relating to dismissal of appeals from justice courts.

In effect September 9, 1953

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

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

SECTION 1. Section 981a of the Code of Civil Procedure is amended to read:

Dismissal of appeals from justice courts

981a. An appeal from a judgment or order of a justice court must be dismissed by the court to which the same shall have been appealed, on its own motion, or on the motion of any party interested therein, whether named in the complaint as a party or not:

1. Where, in the absence of a written stipulation extending the time, such appeal is not brought to trial or to a hearing within one year from the date of filing such appeal in said superior court, if, upon hearing after notice, it should appear to the satisfaction of said superior court that the delay in bringing said appeal to trial or to a hearing within said one-year period was occasioned by lack of reasonable diligence on the part of the appealing party; or,

2. Where such appeal is not brought to trial or to a hearing within three years from the date of filing such appeal in said superior court.

SEC. 2. Section 980b of the Code of Civil Procedure is hereby amended to read:

980b. When an appeal is dismissed for delay in bringing it to a trial or to a hearing, as provided in Section 981a, respondent is entitled to costs. If it appear to the superior court that the appeal was taken solely for delay, it may add to the costs

such damages as may be just, not exceeding 25 percent of the judgment appealed from.

CHAPTER 1558

An act to amend Section 20800 of the Education Code, relating to payment of expenses of deaf students attending Gallaudet College at Washington, D. C.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 20800 of the Education Code is amended to read:

Deaf students College expenses

20800. The Department of Education is authorized to pay, from funds made available for such purpose, expenses of any deaf student attending Gallaudet College at Washington, D. C., on a scholarship from such college, who is a graduate of the California School for the Deaf, Berkeley, the California School for the Deaf, Riverside, or a public high school in California.

CHAPTER 1559

An act to amend Section 16461 of the Education Code, relating to employment of psychologists by county superintendents of schools.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 16461 of the Education Code is amended to read:

Supervisors of health

16461. The county superintendent of schools of each county may employ one or more supervisors of health as defined in Section 16441, to supervise the health of pupils enrolled in the schools of elementary and high school districts over which he has jurisdiction, or may contract with the board of supervisors of the county in which he holds office for the performance by employees of the county health department of any or all of the functions relating to proper health supervision of the school buildings and of pupils enrolled in the schools of such elementary and high school districts. All rules governing health supervision in the schools shall be made by the county superintendent of schools. No supervisor of health shall be employed, and no county employees shall perform duties under any contract, who does not possess a health and development credential; provided, however, that a psychologist may be so em-

ployed or may perform such duties under a contract if he is the holder of a school psychologist credential issued by the State Board of Education.

CHAPTER 1560

An act to amend Section 6873 to the Public Resources Code, relating to oil and gas leases on tide and submerged lands.

In effect September 9, 1953

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

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

SECTION 1. Section 6873 of the Public Resources Code is amended to read:

Contents of lease

6873. The commission shall prepare a form of lease which shall contain, in addition to other provisions deemed desirable and necessary by the commission, appropriate provisions contained in this chapter and the following:

(a) Each well drilled pursuant to the terms of the lease shall be drilled only upon filled lands or shall be slant drilled from an upland or littoral drill site to and into the subsurface of the tide or submerged lands covered by the lease, or shall be drilled or slant drilled to and into the subsurface of tide or submerged lands covered by the lease, from a drill site located upon any pier heretofore constructed for drilling purposes and available for such drilling upon any tide or submerged lands described in any valid existing lease heretofore issued pursuant to the provisions of Chapter 303, Statutes of 1921, as amended, if in the judgment of the commission such drilling will be in the public interest. The derricks, machinery, and any and all other surface structures, equipment, and appliances shall be located only upon filled lands or upon the littoral lands or uplands, or upon any pier heretofore constructed and available for such drilling upon any tide or submerged lands described in any valid existing lease heretofore issued pursuant to the provisions of Chapter 303, Statutes of 1921, as amended, and all surface operations shall be conducted therefrom.

(b) Pollution and contamination of the ocean and tidelands and all impairment of and interference with bathing, fishing or navigation in the waters of the ocean or any bay or inlet thereof is prohibited, and no oil, tar, residuary product of oil or any refuse of any kind from any well or works shall be permitted to be deposited on or pass into the waters of the ocean or any bay or inlet thereof.

(c) Impairment of or interference with developed shore line recreational areas or residential areas is prohibited.

CHAPTER 1561

An act to amend Section 69647 of the Government Code, relating to salaries of superior court judges.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 69647 of the Government Code is amended to read:

69647. The annual salary of each judge of the Superior Court of the County of Contra Costa is fifteen thousand five hundred sixty dollars ($15,560).

Contra Costa County Judges' salaries

CHAPTER 1562

An act to amend Sections 104.1 104.5, 104.6 of, and to add Section 104.7 to the Welfare and Institutions Code, relating to public assistance, in respect to appeals by applicants for or recipients of aid.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 104.1 of the Welfare and Institutions Code is amended to read:

104.1. If any applicant for or recipient of aid under Chapter 1 of Part 2 of Division 2, or Division 3, or Division 5, of this code, is dissatisfied with any action of the county board of supervisors relating to his application for or receipt of aid, or if his application is not acted upon with reasonable promptness, or if any person who desires to apply for such aid is refused the opportunity to submit a signed application therefor and is dissatisfied with such refusal, he shall, without the necessity of filing a claim with the board of supervisors, upon filing a petition with the State Department of Social Welfare, 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 such 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.

Hearing by State Social Welfare Board

The State Social Welfare Board shall consider the appeal and shall render a decision on the issues. The decision of the state board need not specify the amount of the award to be paid unless the amount of the award is in issue. The county board of super-

Decision

visors shall pay to such person, without the necessity of establishing his present need, the amount of aid he is entitled to receive pursuant to the state board's decision, payment to commence as of the date the person was first entitled thereto.

Refusal to accept application

In the case of an appeal from the refusal of a county to accept a signed application for aid, the State Social Welfare Board may require the county to accept the application, and to make the necessary investigation, and may continue the appeal until the results of the investigation have been reported to it. In any such case in which aid is awarded by the State Social Welfare Board, the payments, if awarded, shall commence at the time the State Social Welfare Board directs.

SEC. 2. Section 104.5 of said code is amended to read:

Time of appeal or rehearing

104.5. (a) Whenever any appeal to, or hearing before, the board is otherwise authorized by law, the appeal shall be made, or the hearing applied for, within 90 days after the order or other action complained of. Within six months after the board's original order or decision, any interested party may apply for a rehearing or the board may on its own motion order a rehearing. Any such appeal, hearing, or rehearing may be heard by the board, or a referee designated by the board.

Powers of board, referee

(b) The board or referee conducting an appeal, hearing, or rehearing shall have all the powers and authority conferred upon the head of a department in Article 2 of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

Referee's report

(c) If an appeal, hearing, or rehearing is not heard by the board, a report of the proceedings shall be prepared by the referee conducting it and the report, together with any data the party appealing may desire, shall be presented to the board for final decision. The department shall mail a copy of the final decision promptly to each party. Only the board may make such final decision.

Time of hearing, etc

(d) The department shall set the appeal for a hearing to be commenced within 45 days after the appeal is filed. The referee or the board may, upon good cause shown, continue the hearing for a period not to exceed 30 days. If heard by a referee his report shall be filed promptly. Within 90 days after the conclusion of the hearing or the filing of the report by the referee the board shall render its decision. Failure to meet such time limits shall not invalidate such decision.

Exception

(e) This section shall not apply to proceedings conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 3. Section 104.6 of said code is amended to read:

Execution

104.6. The board of supervisors of each county shall comply with and execute every decision of the State Social Welfare Board in favor of an applicant for or recipient of aid to the aged, aid to the blind, or aid to needy children, which is directed to the board of supervisors. Each board of supervisors is presumed to have knowledge of every such decision directed to it.

SEC. 4. Section 104.7 is added to said code, to read:

104.7. The department shall include in its annual report submitted pursuant to Section 123 of this code a complete report on its administration of appeals. Annual report

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CHAPTER 1563

An act to amend Sections 22255 and 22257 of the Water Code, relating to irrigation districts.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.] In effect September 9, 1953

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

SECTION 1. Section 22255 of the Water Code is amended to read:

22255. When its board deems it in the best interests of the district, the district may regulate the amount of water to be used to irrigate crops within the district when seepage from the irrigation would damage adjacent land inside or outside of the district or may require as a condition precedent to the delivery of water the construction of adequate drainage facilities to prevent damage to the adjacent land. Whenever the board finds, with respect to land for which there is no existing system for the application of water for the irrigation thereof, that the character of the soil or elevation of the land to be supplied water from the district water supply is such that the application of such water thereto by flooding is likely to require the use of excess quantities of water or to create a hazardous seepage or drainage problem, the board may limit the application of such water to that land to application through overhead sprinkling systems so designed and operated to prevent the use of excess quantities of water, or the creation of a hazardous seepage or drainage problem. Regulation of water; Sprinkling systems

SEC. 2. Section 22257 of the Water Code is amended to read:

22257. Each district shall establish equitable rules for the distribution and use of water, which shall be printed in convenient form for distribution in the district. A district may refuse to deliver water through a ditch which is not clean or not in suitable condition to prevent waste of water and may determine through which of two or more available ditches it will deliver water. District rules; Ditches

A district may close a defective gate in a community water distribution system used for irrigation purposes and may refuse to deliver water through the defective gate if the landowner fails to repair the gate or outlet to the satisfaction of the district within a reasonable time after receipt of notice from the board through its authorized water superintendent, manager or ditch tender to repair the gate or outlet. Rules and regulations adopted pursuant to this section may include, with respect to land for Defective gate

which there is no existing system for the application of water for the irrigation thereof, the limitation of the use of water for irrigation furnished by the district to an overhead sprinkling system where such method of irrigation will conserve water and prevent excess seepage or the creation of drainage problems.

CHAPTER 1564

An act to add Sections 9080.1, 9080.3 and 9096 to the Insurance Code, relating to fraternal fire insurers.

In effect September 9, 1953

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

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

SECTION 1. Section 9080.3 is added to the Insurance Code, to read:

Religious organizations writing fire insurance

9080.3. Any religious organization engaged in the business of writing fire insurance solely for its members and its churches on the effective date of this section, and which has been doing so continuously in California since January 1, 1925, is subject to all applicable provisions of this chapter except Section 9087.

Limitations

Such religious organizations shall not write insurance:

(a) 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 the excess over said amounts;

(b) On business property within any incorporated city;

(c) On property within the corporate limits of any one city which has a population of over 7,500 inhabitants in an aggregate amount in excess of its surplus without immediately reinsuring all the excess amount.

SEC. 2. Section 9096 is added to said code, to read:

Tax exemption

9096. An association certificated under this chapter is hereby declared to be a charitable and benevolent institution, and all of its funds shall be exempt from all and every state, county, district, municipal, and school tax, other than taxes on real estate and office equipment.

SEC. 3. Section 9080.1 is added to said code, to read:

Certificate of exemption

9080.1. On and after January 1, 1954, no association shall transact insurance under this chapter unless it has theretofore received and continues to hold a certificate of exemption from the commissioner.

Before procuring such certificate such association shall file with the commissioner certified copies of the articles of incorporation, association, by-laws, rules and regulations or other organization or governing documents, together with certified copies of all evidences of insurance which it proposes to issue. It shall thereafter file with the commissioner certified copies of all amendments to such documents or evidences. The commissioner shall issue such certificate of exemption upon application

by such association and a showing by it that it qualifies therefor under the provisions of this chapter.

Such certificate of exemption is subject to suspension or revocation by the commissioner if the organization fails to comply with the requirements of this chapter. Suspension, revocation of certificate

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 commissioner shall have all the powers granted therein.

Such association is subject to Sections 1 to 41, inclusive, and to Articles 4 and 14 of Chapter 1, Part 2, Division 1 of this code.

CHAPTER 1565

An act to amend Section 30502 of, and to add Section 31033 to, the Water Code, relating to county water districts.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 30502 of the Water Code is amended to read:

30502. The term of office of each director other than directors first elected or directors appointed to fill an unexpired term shall be four years. Term of office

SEC. 2. Section 31033 is added to said code, to read:

31033. A district may drain and reclaim lands within the district either by surface or underground works or both; and may acquire, by appropriation or other lawful means, and divert, store, conserve, transport or dispose of water resulting from such operations; and may acquire, by appropriation or other lawful means, and divert, store, conserve, transport or dispose of flood and storm water within the district, and flood and storm water of streams or watercourses outside of the district which flow into the district, for any beneficial purpose or use. Powers

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CHAPTER 1566

An act to amend Sections 11525 and 11526 of the Business and Professions Code, relating to the subdivision of land.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 11525 of the Business and Professions Code is amended to read:

11525. Control of the design and improvement of subdivisions is vested in the governing bodies of cities and of counties Subdivisions design and improvement

but, in all matters concerning such design and improvement, any decision by a governing body is subject to review as to its reasonableness by the superior court in and for the county in which the land is situated. Every county and city shall adopt an ordinance regulating and controlling the design and improvement of subdivisions.

Court proceeding

Any subdivider or person claiming to be aggrieved by the decision of a governing body may within 90 days after the rendering of the decision bring a special proceeding in the superior court to determine the reasonableness of the decision The proceeding shall take precedence over all matters upon the calendar of the court, criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings excepted.

SEC. 2. Section 11526 of said code is amended to read:

11526. The design, improvement and survey data of subdivisions and the form and content of tentative record of survey and final maps thereof, and the procedure to be followed in securing official approval are governed by the provisions of this chapter and by the additional provisions of local ordinances dealing with subdivisions, the enactment of which is required by this chapter.

CHAPTER 1567

An act to amend Section 26500 of the Water Code, relating to assessments in irrigation districts.

In effect September 9, 1953

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

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

SECTION 1. Section 26500 of the Water Code is amended to read:

Levy by supervisors

26500. If a board neglects or refuses in any year to levy assessments pursuant to this part, the board of supervisors of the office county shall, as provided in this article, perform the duties of the board of the district in respect to levying assessments in the same manner and with the same effect as if they were performed by the board.

Provided further, that if a board neglects or refuses in any year to levy assessments pursuant to this part a survey of the financial needs of the district shall be made by the commission and the district shall cooperate with the commission in obtaining needed information. The commission may thereupon, and at any time after the effective date of this act when two calendar years shall have elapsed during which the board has not levied suitable assessments or otherwise provided for its financial obligations shall, notify the board of supervisors of the county that the district has failed to fulfill its obligations and the board of supervisors without further inquiry shall as provided in this article perform the duties of the board of the district with

reference to levying assessments in the same manner and with the same effect as if the same were performed by the board.

Provided further, however, that the making of such survey by the commission shall not serve to relieve the board of supervisors of its primary duty as provided in this article.

CHAPTER 1568

An act to amend Section 6518 of, and to add Section 6916 to, the Health and Safety Code, relating to sanitary districts.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6518 of the Health and Safety Code is amended to read:

Sewers and drains

6518. It may lay its sewers and drains in any public street or road in the county, and for this purpose enter upon it and make all necessary and proper excavations, restoring it to proper condition. The work of restoring and repairing any such public street or road in the county shall be done under the supervision and control of the county engineer or road commissioner at the cost of the district, and in accordance with the standards established by ordinance of the board of supervisors for restoring and repairing county roads. If the street or road is in a city the consent of the proper city authorities shall first be obtained. If the street or road is in the unincorporated area of the county, the consent of the proper county authorities shall first be obtained.

SEC. 2. Section 6916 is added to said code, to read:

Bonded indebtedness

6916. No agreement, order or judgment shall be made under Section 6915 which shall relieve any territory of any bonded indebtedness of the district or of any annexed territory thereof to such an extent as to cause the remaining outstanding bonded indebtedness of the district or of such annexed territory to be in excess of 15 percent of the total assessed valuation of all taxable property remaining within such district or within such annexed area so affected.

CHAPTER 1569

An act to establish a procedure to exclude territory of a water conservation district from a municipal water district, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect immediately

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

Alteration of district boundaries

SECTION 1. Notwithstanding any provision to the contrary in the Water Conservation Act of 1931, the Municipal Water

District Act of 1911, or any other act, the board of directors of the United Water Conservation District and the board of directors of the Ventura River Municipal Water District may by joint resolution alter the original boundaries of the two districts so that no area will be within both of said districts; provided, that no territory shall be excluded from either district that was not originally within the original boundaries of the other district; and provided, that no area shall be excluded from a district which is receiving services from that district on the effective date of this act.

Joint resolution

SEC. 2. The boards of directors of such districts may by joint resolution initiate proceedings for such changes of boundaries. Such joint resolution shall declare that proceedings have been initiated by said boards of directors under the provisions of this act, shall state the reason for proposing such changes in boundaries, shall set forth and describe the new proposed boundary between such districts, shall require all persons interested in the proposed changes of boundaries to appear before a joint meeting of said boards and be heard as to why said boundaries should not be so changed, shall fix the time of the joint meetings of such boards at which persons so interested will be heard, and shall direct the secretaries of such districts to give notice thereof.

Publication

When such joint resolution has been adopted by both of said boards of directors the secretaries of both of said boards of directors shall thereupon cause the text of said resolution and a notice of the time and place of said hearing to be published once a week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers printed and published in the county in which such districts are situated. Each of such districts shall bear one-half of the costs of publication of such notice.

Hearing

SEC. 3. The boards of directors of such districts shall hold a joint meeting at the time and place fixed by said resolution and published in said notice and shall hear all persons interested in the proposed changes in boundaries who appear at the hearing, which may be adjourned from time to time.

Change of boundaries. Joint resolution

SEC. 4. If after such hearing the board of directors of each of the districts find that it is to the best interest of its district, the two boards of directors may by joint resolution change the boundaries of such districts as provided in Section 1 of this act. If such a joint resolution so changing the boundaries of such districts be adopted, as provided herein, the secretaries of each of the districts shall each certify the adoption of such joint resolution by the board of directors of the district of which he is secretary and a copy of such joint resolution, so certified, shall be filed by such secretaries with the Secretary of State and the county recorder of the county in which such districts are situated. Upon receipt of such certified copy of such resolution, the Secretary of State shall, within 10 days, issue his certificate reciting the adoption of such joint resolution by such districts and the changes in boundaries of such

districts. A copy of said certificate of the Secretary of State shall be transmitted to and filed with the county clerk of the county in which such districts are situated. From and after the date of such certificate of the Secretary of State the boundaries of such districts shall be deemed changed as provided in said joint resolution, but taxable property thereby excluded from either of such districts shall continue taxable by the district from which excluded for the purpose of paying the bonded or other indebtedness of such district outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied, to the same extent that such property would be taxable for such purpose if such exclusion had not occurred.

Urgency

SEC. 5. 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 the areas embraced within the boundaries of the United Water Conservation District and the Ventura River Municipal Water District are in dire need of immediately obtaining an adequate supply of water for domestic and municipal use. The overlapping boundaries of the two districts must be revised to the end that the territory within both districts will not be subject to double taxation. This act would permit such boundary revisions and enable the inhabitants of the area to secure vitally needed water; it is therefore necessary for the immediate preservation of the public peace, health and safety that this act take effect immediately.

Legislative declaration

SEC. 6. The Legislature hereby finds and declares that conditions existing in the United Water Conservation District and the Ventura River Municipal Water District are peculiar to that area and the circumstances therein are unique. The territory of the two districts overlap, and their functions are substantially the same. It has been impossible to finance the works necessary to secure the urgently needed water for either district because of the inclusion of certain lands within both districts, a situation which exists only with respect to the named districts.

CHAPTER 1570

An act to amend Sections 20025 and 20072 of the Health and Safety Code, relating to police protection districts.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 20025 of the Health and Safety Code is amended to read:

Formation of district

20025. Any unincorporated town may, pursuant to this article, be formed into a district to protect and safeguard life

and property and may equip and maintain a police department, including purchasing and maintaining ambulances, and otherwise securing police protection.

SEC. 2. Section 20072 of the Health and Safety Code is amended to read:

Acquisition of land, etc

20072. For the purpose of housing its police equipment and apparatus, and for housing its ambulances, the district board may acquire land and erect a police station; or acquire land on which a police station, or a building suitable for a police station, has been erected.

CHAPTER 1571

An act to add Division 8a, comprising Sections 445 to 445.5, inclusive, to the Vehicle Code, relating to the regulation of drivers' schools and driving instructors.

In effect September 9, 1953

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

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

SECTION 1. Division 8a, comprising Sections 445 to 445.5, inclusive, is added to the Vehicle Code, to read:

DIVISION 8a. REGULATION OF AUTOMOBILE DRIVING SCHOOLS AND DRIVING INSTRUCTORS

Driver instruction License required

445. No person, firm, association, or corporation shall operate a driver training school or engage in the business of giving instruction for hire in the driving of motor vehicles or in the preparation of an applicant for examination given by the Department of Motor Vehicles for an operator's or chauffeur's license, unless a license therefor has been secured from the Department of Motor Vehicles.

Exceptions

The provisions of this division shall not apply in any event to public schools or to educational institutions in which driving instruction is part of the curriculum, to automobile dealers or their salesmen giving instruction without charge to purchasers of motor vehicles, or to employers giving instruction to their employees.

License requirements

445.1. Every person, in order to qualify to operate a driving school or to give instruction, shall meet the following requirements:

1. Be of good moral character.

2. Maintain an established place of business open to the public. No office or place of business shall hereafter be established within 200 feet of any building used by the Department of Motor Vehicles as an office.

3. Maintain public liability and property damage insurance on such automobiles used in driving instruction, covering both the person taking the instruction and any other person in the

event of injury or damage in at least the following amounts: property damage, ten thousand dollars ($10,000); injury to any one person, twenty thousand dollars ($20,000); injury to all persons involved in a single accident, forty thousand dollars ($40,000).

4. Have the equipment necessary to the giving of proper instruction in the operation of motor vehicles.

5. Pass such examination as the department shall require on (a) traffic laws and safe driving practices; (b) operation of motor vehicles; (c) qualifications of teacher.

6. Be physically able to safely operate a motor vehicle and to train others in the operation of motor vehicles.

7. Hold a valid California operator's or chauffeur's license.

Fees, term, etc

445.2. The Department of Motor Vehicles shall issue a license certificate to each applicant to conduct a driver school or to each driving instructor when it is satisfied that such person has met the qualifications required under this division and upon the payment of a fee of fifty dollars ($50) for each driving school and ten dollars ($10) for each additional instructor to the department. The license shall be for a period of four years unless canceled, suspended, or revoked by the department. The license may be renewed subject to the same conditions as the original license.

Record

445.3. Every licensee under this division shall keep a record showing the name and address of each person given instruction and the instruction permit number of such person or license number of every person given instruction in the driving of a motor vehicle, and shall show the particular type of instruction given and how much time was devoted to each such type of instruction. Such records shall be open to the inspection of the Department of Motor Vehicles or its representatives at all reasonable times, but shall be for the confidential use of the department.

Every licensee under this act shall maintain all vehicles used in driver training in safe mechanical condition at all times.

Revocation, suspension, etc., of license

445.4. The department may cancel, suspend, or revoke, or refuse to renew any license under the provisions of this division

(a) When the department is satisfied that the licensee fails to meet the requirements to receive or hold a license under this division.

(b) Whenever the licensee fails to keep the records required herein.

(c) Whenever the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the Department of Motor Vehicles, or induces or countenances fraud or fraudulent practices on the part of any applicant for a driver's license.

(d) Whenever the holder fails to comply with any provisions of this division or any of the regulations or requirements of the department made pursuant thereto.

(e) Whenever the licensee represents himself as an agent or employee of the department or uses advertising designed or

which would reasonably have the effect of leading persons to believe that such licensee was in fact an employee or representative of the Department of Motor Vehicles.

(f) Whenever the licensee or any employee or agent of such licensee solicits driver training or instruction in an office of the Department of Motor Vehicles or within 200 feet of any such office.

(g) Whenever the licensee is convicted of driving an automobile while under the influence of intoxicating liquor or of violating Section 480, 481, 482, 505b, or 506 of the Vehicle Code or Section 192 or 193 of the Penal Code.

Notice and hearing

445.5. Every licensee under this division is entitled to notice and hearing prior to cancellation, suspension, or revocation of the license of such licensee by the Department of Motor Vehicles Provisions of this code with reference to notice and hearings for operators and chauffeurs shall be applicable to hearings with reference to licensees under this division. Any action of the Department of Motor Vehicles in suspending, cancelling, or revoking, or failing to renew a license may be reviewed by any court of competent jurisdiction.

Operative date

SEC. 2. This act shall take effect March 1, 1954.

CHAPTER 1572

An act to amend Section 8800 of the Streets and Highways Code and Section 24 of the Refunding Assessment Bond Act of 1935 (Chapter 732 of the Statutes of 1935), relating to the redemption of property sold for the nonpayment of assessments securing the payment of improvement bonds.

In effect September 9, 1953

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

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

SECTION 1. Section 8800 of the Streets and Highways Code is amended to read:

Sale of land for assessment default

8800. Upon default in the payment of any installment of principal or interest on any assessment or reassessment, the lands securing such installments and assessments shall be sold in the same manner in which real property in such city is sold for the nonpayment of general city taxes, and be subject to redemption in the same manner and to the same extent that real property in such city sold for the nonpayment of general city taxes may be redeemed from such taxes.

SEC. 2. Section 24 of the Refunding Assessment Bond Act of 1935 (Chapter 732 of the Statutes of 1935) is amended to read:

Payment of assessment

Sec. 24. If the refunding bonds are payable in annual series such unpaid assessments shall be payable in annual series corresponding in number to the number of series of bonds issued

and an even annual proportion of each assessment shall be payable in each year preceding the date of maturity of each of the several series of bonds so issued. If the refunding bonds all mature in one year, the unpaid assessment shall be payable annually and an even annual proportion of each assessment shall be payable each year preceding the July interest payment. Such annual proportion of each assessment coming due in any year, together with the annual interest on such assessment, shall in turn be payable in annual or semiannual installments according as the general taxes of such city or county, as the case may be, on real property are payable in annual or semiannual installments, and such installments and said annual interest shall be payable and become delinquent at the same times and in the same proportionate amounts and bear the same proportionate penalties and interest after delinquency as do the general taxes on real property of said city or county, as the case may be. Upon default in payment, the lands securing such installments and assessments shall be sold in the same manner in which real property in such city or county is sold, for the nonpayment of general taxes, and be subject to redemption in the same manner and to the same extent that real property in such city sold for the nonpayment of general city taxes may be redeemed from such taxes. The city or county must be the purchaser at any delinquent sale in like manner in which it becomes or may become the purchaser of property sold for nonpayment of the general property tax, and shall pay and transfer into said redemption fund in lawful money the amount of the delinquent assessment and of the delinquent interest thereon upon which said sale is made. Where the legislative body of a county conducted the refunding proceedings and in cases where the municipal property tax is collected by county or city and county officials and sales for nonpayment of such taxes are made to the State, the State shall be the purchaser at any such sale hereunder, but shall hold the title acquired at such sale upon behalf of the city or county, as the case may be, and shall account to the city or county, as the case may be, for any moneys received upon redemption or from the sale of such property, the city or county, as the case may be, for the purposes of this act being deemed the real purchaser. In the event of there being no available funds in the treasury with which to make such payment, the tax collector shall delay the entry of the certificate of sale until such funds are available, making demand in the meantime upon the legislative body that a suitable amount be included in the next tax levy for the purpose of providing funds with which to make such payment; provided, however, that the period of redemption from such tax sale shall not be extended thereby nor the rights or privileges of the property owner be thereby in anywise affected. In the event of such purchase being made by the city or county and of any succeeding installment of such assessment or of such interest not being paid in any future year, the property shall not be sold unless there has previously been a redemption from such sale or unless under the law it

Default

City, county, etc., as purchaser

is then being sold for delinquent taxes. The city or county shall nevertheless, unless a resale has been made by it, from time to time when due pay and transfer into said redemption fund the amount of any such future delinquent assessment and interest pending redemption, and no redemption shall be made until any such subsequent payments, with interest and penalties, shall also be paid. The purchaser, whether at tax collector's sale or at resale by the city or county, in the event of the city or county having become the purchaser, or at a foreclosure sale by order of court, shall take the property subject to all unpaid installments, interest and penalties under the same proceeding.

CHAPTER 1573

An act providing for the compilation, publication, and distribution of a State Blue Book and to amend Section 13607 of the Government Code, relating to the State Blue Book and prohibiting any person from publishing or selling any other publication of the same or a similar name.

In effect September 9, 1953

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

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

State Blue Book

SECTION 1. The State Printer shall compile or cause to be compiled and published a State Blue Book, as provided in Section 13606 of the Government Code. The volumes shall be distributed pursuant to Section 13607 of that code. The cost of such compilation, publication and distribution shall be a charge against, and shall be paid from, the legislative printing appropriation.

SEC. 2. Section 13607 of the Government Code is amended to read:

Distribution

13607. The volumes shall be distributed as follows: to the Secretary and each Member of the Senate and to the Chief Clerk and each Member of the Assembly, 10 copies; to the Governor, 25 copies; to the Lieutenant Governor, 15 copies; to the Secretary of State, the Controller, the Attorney General, the Legislative Counsel, and the Treasurer, each 10 copies; to the director of each state department, two copies; to the two United States Senators from California and the members of the California congressional delegation, each one copy; to the Chief Justice and Associate Justices, each one copy; to the Presiding Justices and Justices of the District Court of Appeals, each one copy; and copies as provided in Section 13661 of this code.

All other volumes shall be sold for such price as may be fixed by the department.

Books with similar titles Penalty

Any person who publishes or sells any publication whose title contains the words "State Blue Book," "California Blue Book," or any similar words which tend to confuse the publication with the State Blue Book authorized by this act is guilty of a misdemeanor.

CHAPTER 1574

An act to amend Sections 2945, 3001, and 3057 of the Penal Code, relating to the state correctional system.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2945 of the Penal Code is amended to read:

2945. The Adult Authority shall have the power and authority to provide for assisting discharged prisoners and to secure employment for the same and for that purpose it may employ necessary officers and employees, may purchase tools, and give any other assistance that, in its judgment, it deems proper for the purpose of carrying out the objects and spirit of this section. Repayment of cash assistance received under this section from the current, or any prior appropriation, shall be credited to the appropriation current at time of such repayment.

Assistance to discharged prisoners

SEC. 2. Section 3001 of said code is amended to read:

3001. (a) "Board," "Board of Prison Terms and Paroles" and "Division of Prison Terms and Paroles," as used in this chapter, refer to the Adult Authority.

Definitions

(b) "State Board of Prison Directors" as used in Section 3056 refers to the department.

(c) "Chairman of the board" as used in Sections 3060 and 3062 refers to the Chairman of the Adult Authority.

(d) "Board" as used in Sections 3075 to 3083, inclusive, means county boards of parole commissioners.

SEC. 3. Section 3057 of said code is amended to read:

3057. The Adult Authority shall have the power and authority to provide for assisting paroled prisoners and to secure employment for the same and for that purpose it may employ necessary officers and employees, may purchase tools, and give any other assistance that, in its judgment, it deems proper for the purpose of carrying out of objects and spirit of this section. Repayment of cash assistance received under this section from the current, or any prior appropriation, shall be credited to the appropriation current at time of such repayment.

Assistance to paroled prisoners

CHAPTER 1575

An act making an appropriation to the Capital Outlay and Savings Fund.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

SECTION 1. The sum of fifty-nine thousand one hundred fourteen dollars and twenty-two cents ($59,114.22) is hereby

Appropriation Capital Outlay and Savings Fund

appropriated for transfer by the State Controller to the Capital Outlay and Savings Fund in the State Treasury.

The amount herein appropriated shall be transferred by the State Controller to the Capital Outlay and Savings Fund from the following funds: from the Wildlife Restoration Fund, twenty-four thousand two hundred twenty-seven dollars ($24,227); 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, thirty-two thousand five hundred ten dollars and twenty-two cents ($32,510.22); from any moneys in the Fair and Exposition Fund available for California Polytechnic School under paragraph (a) of Section 19626 of the Business and Professions Code one thousand nine hundred ninety-three dollars ($1,993); and from the Motor Vehicle Fund three hundred eighty-four dollars ($384).

CHAPTER 1576

An act to add Section 9575.5 to the Business and Professions Code, relating to the Dry Cleaners' Fund and making an appropriation.

In effect September 9, 1953

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

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

SECTION 1. Section 9575.5 is added to the Business and Professions Code, to read:

Appropriation Fire protection in dry cleaning industry

9575.5. The sum of twenty-five thousand dollars ($25,000) is hereby appropriated from the balance of the Dry Cleaners' Fund available under subdivision 2, Section 9575, Business and Professions Code, for expenditure for support of the State Board of Dry Cleaners, to be expended during the 1953-1954 and 1954-1955 Fiscal Years for the purposes of contracting with the State Fire Marshal for conducting research, developing and disseminating to the dry cleaning industry and the general public information on fire and other hazards caused by the use of dry cleaning solvents and dry cleaning processes.

CHAPTER 1577

An act to add Chapter 3 to Part 1 of Division 4 of the Fish and Game Code, relating to the licensing and regulating of fishing and hunting guides.

In effect September 9, 1953

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

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

SECTION 1. Chapter 3 is added to Part 1 of Division 4 of the Fish and Game Code, to read:

CHAPTER 3. HUNTING AND FISHING GUIDES

470. As used in this chapter "guide" means any person who is engaged primarily in the business of packing and guiding, and who for compensation assists another person in hunting or fishing and includes any person who transports other persons or their equipment or both to hunting or fishing areas, irrespective of whether or not the latter persons determine the destination or course of travel or both. "Guide"

471. It shall be unlawful for any person to be engaged in the business of guiding, as the term is commonly understood for any consideration or compensation whatever, without first having secured a guide license from the Department of Fish and Game. An employee of a licensee who acts as a guide only in connection with his employment need not have a guide license. Each licensee shall be responsible for all acts or omissions of his employees when acting within the scope of their employment. Guide license

Any person who desires a license as a guide shall make application for such license on a form to be prescribed and furnished on request by the department. The application shall show all of the following: Application

(a) The name, age, and address of the applicant.

(b) The area or areas of the State in which he proposes to operate.

(c) The type or types of guiding he proposes to engage in.

(d) The experience which he considers as qualifying him for the type or types of guiding he proposes to conduct.

(e) The nature and amount of the equipment, vehicles, animals, and other property he proposes to use in his operations as a licensee.

(f) Such other information and matters as the department may require.

If the applicant proposes to furnish transportation the application shall show the location of the headquarters from which the applicant proposes to operate.

If the licensee is to operate with pack or riding animals in any area in which a grazing permit is required, the application shall be accompanied by such permit.

The provisions of Section 13.3 relating to licenses shall apply to licenses issued under this chapter.

The license fee shall be ten dollars ($10) and the license shall be valid for the fiscal year in which issued or, if issued after the beginning of a fiscal year, for the remainder thereof. Fee

472. When any guide licensed under this chapter, shall be adjudged guilty by a court of competent jurisdiction of violating or permitting the violation of any fish and game law of this State, in addition to any fine or other punishment imposed, the court may revoke his guide license. Revocation of license

Any person who obtains another guide license within two years after his guide license has been revoked, or forfeited, is guilty of a misdemeanor, and is punishable by a fine of not less than one hundred dollars ($100) or by imprisonment in the Penalty

county jail for not less than 10 days, or both fine and imprisonment.

Exemption

473. The provisions of this chapter do not apply to persons holding permits issued under Section 432.5 as long as their activities are confined to matters within the scope of Section 432.5.

CHAPTER 1578

An act to amend Section 601 of the Code of Civil Procedure, relating to peremptory challenges in civil cases.

In effect September 9, 1953

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

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

SECTION 1. Section 601 of the Code of Civil Procedure is amended to read:

Peremptory challenges

601. Either party may challenge the jurors, but where there are several parties on either side, they must join in the challenge before it can be made. The challenges are to individual jurors, and are either peremptory or for cause. Each side is entitled to six peremptory challenges. If no peremptory challenges are taken until the panel is full, they must be taken or passed by the sides alternately, commencing with the plaintiff, and if both sides pass consecutively, the jury shall then be sworn, unless the court, for good cause, shall otherwise order. Each side shall be entitled to have the panel full before exercising any peremptory challenge. The number of peremptory challenges remaining with a side shall not be diminished by any passing of a peremptory challenge.

CHAPTER 1579

An act to amend Sections 19101 and 19103 of, to add Section 19131 to, and to repeal Section 19102 of, the Education Code, relating to county school library service.

In effect September 9, 1953

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

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

SECTION 1. Section 19101 of the Education Code is amended to read:

Establishment, etc., of service

19101. The county superintendent of schools of any county in which no county library is maintained may, with the approval of the county board of education, establish and maintain a county school library service for such elementary school districts of the county as elect to participate in such service. The cost of such service may be paid from the county school service fund.

SEC. 2. Section 19103 of said code is amended to read:

19103. Upon the governing board of any elementary school district electing to participate in such service, the county superintendent of schools shall transfer annually from the library fund of the district to the county school service fund such amounts as the governing board of said district and the county superintendent of schools may agree upon. Funds

SEC. 3. Section 19102 of said code is repealed.

SEC. 4. Section 19131 is added to said code, to read:

19131. The county superintendent of schools, with the approval of the county board of education, may agree with the proper authorities of the county to transfer funds from the county school service fund to the county library for the purchase of such books and other materials as are adopted by the body authorized to adopt courses of study for the school districts of the county. Same

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CHAPTER 1580

An act to amend Sections 18671, 18675, 18690, and 18780 of, and to add Sections 18653 and 18673.5 to, the Business and Professions Code, relating to amateur athletic contests.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 18653 is added to the Business and Professions Code, to read:

18653. This chapter does not apply to any amateur boxing or wrestling contests to which an admission fee is not charged conducted by a nonprofit organization Exemption

As used in this section, "nonprofit organization" means any of the following: "Nonprofit organization"

(a) An organization exempt from taxation under the Bank and Corporation Tax Law.

(b) Incorporated fraternal organizations.

(c) Any university, college or school.

(d) Any nonprofit organization not otherwise within any of the foregoing categories.

SEC. 1.5. Section 18671 of said code is amended to read:

18671. The commission has the sole direction, management, and control of and jurisdiction over all amateur boxing contests conducted in accordance with the provisions of this chapter and Section 412 of the Penal Code. Amateur boxing contests are subject to this chapter whether a fee is received or not for admission to the contests. Amateur boxing contests

SEC. 2. Section 18673.5 is added to said code, to read:

18673.5. The commission may license a club to conduct, hold, or give amateur boxing contests, sparring or wrestling matches, or exhibitions, for which no admission fee is to be received by the club, if the commission determines, as its discretion finds advisable in the public interest, that the club will promote and Club license

Annual fee, term, etc

protect the best interests of amateur boxing and amateur contestants. Notwithstanding any other provision of this chapter, the annual fee for such a license is three dollars ($3), payable at the time an application for the license is filed. A license issued pursuant to this section shall be valid for a period of one year from the date of issuance unless sooner revoked or suspended by the commission.

No club shall conduct, hold, or give any amateur boxing contests, sparring matches, or exhibitions, for which no admission fee is received, unless the club is licensed pursuant to this section.

SEC. 3. Section 18675 of said code is amended to read:

18675. The commission shall not issue any license to conduct, hold, or give boxing contests or sparring or wrestling matches to any club which has not complied with the conditions of this chapter.

The commission may revoke any such license at any time if the licensee does not comply with the conditions of this chapter.

SEC. 4. Section 18690 of said code is amended to read:

Bonds required

18690. Before any license is granted to any club, to conduct, hold or give a boxing contest or a sparring or wrestling match, other than an amateur boxing contest or sparring match, the applicant therefor shall file a bond of two thousand dollars ($2,000) with good and sufficient surety with the commission, conditioned for the faithful performance by the club of the provisions of this chapter and the payment of the taxes herein imposed.

Before any license is granted to any club to conduct, hold or give an amateur boxing contest, sparring or wrestling match for which an admission fee is received the applicant therefor shall file a bond of not less than one thousand dollars ($1,000) with good and sufficient surety with the commission, conditioned for the faithful performance by the club of the provisions of this chapter and the payment of taxes herein imposed.

SEC. 5. Section 18780 of said code is amended to read:

Penalty

18780. Every club or person to whom or which this chapter is otherwise applicable who directly or indirectly holds any boxing contest, or sparring or wrestling match without first having procured a license is guilty of a misdemeanor.

CHAPTER 1581

An act to amend Sections 8951 and 8952 of the Education Code, relating to special day and evening classes and summer schools in elementary schools.

In effect September 9, 1953

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

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

SECTION 1. Section 8951 of the Education Code is amended to read:

8951. The governing body of any elementary school district may establish and maintain, in connection with any school under its jurisdiction, special day and evening classes and summer schools, consisting of special day classes or special evening classes or both, for the purpose of giving instruction in any of the branches of study prescribed and authorized for the elementary schools. Special classes

SEC. 2. Section 8952 of said code is amended to read:

8952. These classes may be convened at such hours and for such length of time during the school day or evening, and at such period and for such length of time during the school year as may be determined by the governing authority in accordance with rules and regulations of the State Board of Education and with the prior written approval of the State Superintendent of Public Instruction. Time of classes

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CHAPTER 1582

An act to amend Section 1463 of the Penal Code and Sections 770 and 771 of the Vehicle Code, relating to disposition of fines and forfeitures.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.] In effect September 9, 1953

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

SECTION 1. Section 1463 of the Penal Code is amended to read:

1463. Except where otherwise specifically provided by law: Disposition of fines and forfeitures

(1) All fines and forfeitures including Vehicle Code fines and forfeitures collected upon conviction or upon the forfeiture of bail, together with moneys deposited as bail, in any municipal court or justice court, shall, as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which such court is situated. The moneys so deposited shall be distributed as follows:

(a) Once a month there shall be transferred into the proper funds of the county an amount equal to the fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by the State or by the county in which such court is situated, exclusive of fines or forfeitures or forfeitures of bail collected from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within the limits of a city within the county.

(b) Once a month there shall be transferred into the traffic safety fund of each city in the county an amount equal to 50 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within that city, and an amount equal to the remaining 50 percent shall be transferred to the special road fund of the county.

(c) Once a month there shall be transferred into the general fund of the county an amount equal to that percentage of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by each city in the county which is set forth in the following schedule:

County and City	Percentage
Alameda	
Alameda	18
Albany	29
Berkeley	19
Emeryville	13
Hayward	10
Livermore	7
Oakland	22
Piedmont	44
Pleasanton	17
San Leandro	9
County percentage	21
Amador	
Amador	75
Ione	29
Jackson	22
Plymouth	75
Sutter Creek	75
County percentage	29
Butte	
Biggs	75
Chico	22
Gridley	49
Oroville	9
County percentage	20
Calaveras	
Angels	62
County percentage	62
Colusa	
Colusa	13
Williams	17
County percentage	16
Contra Costa	
Antioch	11
Brentwood	35
Concord	18
El Cerrito	19
Hercules	14
Martinez	22
Pinole	22
Pittsburg	5
Richmond	14
San Pablo	12
Walnut Creek	24
County percentage	14
Del Norte	
Crescent City	19
County percentage	19
El Dorado	
Placerville	14
County percentage	14
Fresno	
Clovis	23
Coalinga	21
Firebaugh	16
Fowler	34
Fresno	26
Huron	24
Kerman	14
Kingsburg	34
Mendota	11
Orange Cove	24
Parlier	21
Reedley	30
Sanger	29
San Joaquin	15
Selma	14
County percentage	24
Glenn	
Orland	27
Willows	36
County percentage	32
Humboldt	
Arcata	9
Blue Lake	26
Eureka	11
Ferndale	30
Fortuna	17
Trinidad	11
County percentage	11
Imperial	
Brawley	8
Calexico	10
Calipatria	75
El Centro	5
Holtville	16
Imperial	6
Westmorland	12
County percentage	8

County and City	Percentage
Inyo	
Bishop	25
County percentage	25
Kern	
Bakersfield	10
Delano	13
Maricopa	36
Shafter	15
Taft	19
Tehachapi	12
Wasco	28
County percentage	12
Kings	
Corcoran	31
Hanford	21
Lemoore	25
County percentage	25
Lake	
Lakeport	33
County percentage	33
Lassen	
Susanville	21
County percentage	21
Los Angeles	
Alhambra	13
Arcadia	15
Avalon	54
Azusa	21
Bell	11
Beverly Hills	14
Burbank	14
Claremont	5
Compton	16
Covina	38
Culver City	10
El Monte	15
El Segundo	11
Gardena	22
Glendale	16
Glendora	12
Hawthorne	7
Hermosa Beach	14
Huntington Park	12
Inglewood	16
La Verne	14
Long Beach	14
Los Angeles	8
Lynwood	9
Manhattan Beach	13
Maywood	15
Monrovia	15
Montebello	11
Monterey Park	21
Palos Verdes Estates	10
Pasadena	9
Pomona	12
Redondo Beach	15
San Fernando	17
San Gabriel	16
San Marino	5
Santa Monica	11
Sierra Madre	39
Signal Hill	24
South Gate	13
South Pasadena	9
Torrance	16
Vernon	25
West Covina	14
Whittier	31
County percentage	11
Madera	
Chowchilla	17
Madera	16
County percentage	17
Marin	
Belvedere	16
Corte Madera	12
Fairfax	58
Larkspur	62
Mill Valley	13
Ross	18
San Anselmo	11
San Rafael	13
Sausalito	21
County percentage	16
Mendocino	
Fort Bragg	19
Point Arena	73
Ukiah	10
Willits	24
County percentage	17
Merced	
Atwater	23
Dos Palos	21
Gustine	23
Livingston	14
Los Banos	13
Merced	18
County percentage	18
Modoc	
Alturas	42
County percentage	42

County and City	Percentage
Monterey	
Carmel	17
Gonzales	10
Greenfield	13
King City	36
Monterey	13
Pacific Grove	22
Salinas	36
Soledad	16
County percentage	23
Napa	
Calistoga	37
Napa	11
St. Helena	12
County percentage	14
Nevada	
Grass Valley	7
Nevada City	17
County percentage	9
Orange	
Anaheim	14
Brea	9
Buena Park	15
Fullerton	31
Huntington Beach	31
Laguna Beach	21
La Habra	13
Newport Beach	13
Orange	26
Placentia	12
San Clemente	9
Santa Ana	17
Seal Beach	18
Tustin	8
County percentage	15
Placer	
Auburn	18
Colfax	8
Lincoln	26
Rocklin	16
Roseville	10
County percentage	14
Plumas	
Portola	19
County percentage	19
Riverside	
Banning	35
Beaumont	15
Blythe	9
Coachella	12
Corona	12
Elsinore	10
Hemet	35
Indio	16
Palm Springs	66
Perris	14
Riverside	16
San Jacinto	41
County percentage	17
Sacramento	
Folsom	31
Galt	25
Isleton	13
North Sacramento	10
Sacramento	21
County percentage	26
San Benito	
Hollister	9
San Juan Bautista	28
County percentage	11
San Bernardino	
Barstow	23
Chino	14
Colton	21
Fontana	15
Needles	33
Ontario	10
Redlands	28
Rialto	15
San Bernardino	15
Upland	14
County percentage	15
San Diego	
Carlsbad	8
Chula Vista	23
Coronado	25
El Cajon	17
Escondido	16
La Mesa	23
National City	14
Oceanside	15
San Diego	6
County percentage	8
San Joaquin	
Lodi	18
Manteca	8
Ripon	11

County and City	Percentage
Stockton	14
Tracy	15
County percentage	14
San Luis Obispo	
Arroyo Grande	9
Paso Robles	26
Pismo Beach	8
San Luis Obispo	21
County percentage	16
San Mateo	
Atherton	27
Belmont	7
Burlingame	38
Colma	40
Daly City	24
Hillsborough	75
Menlo Park	12
Millbrae	16
Redwood City	27
San Bruno	13
San Carlos	8
San Mateo	42
South San Francisco	12
County percentage	21
Santa Barbara	
Guadalupe	28
Lompoc	16
Santa Barbara	11
Santa Maria	12
County percentage	13
Santa Clara	
Alviso	75
Campbell	16
Gilroy	28
Los Altos	16
Los Gatos	30
Morgan Hill	11
Mountain View	13
Palo Alto	21
San Jose	13
Santa Clara	16
Sunnyvale	26
County percentage	16
Santa Cruz	
Capitola	21
Santa Cruz	23
Watsonville	21
County percentage	22
Shasta	
Redding	22
County percentage	22

County and City	Percentage Same
Sierra	
Loyalton	75
County percentage	75
Siskiyou	
Dorris	18
Dunsmuir	29
Etna	18
Fort Jones	46
Montague	75
Mount Shasta	37
Tulelake	33
Yreka	30
County percentage	29
Solano	
Benicia	17
Dixon	28
Fairfield	31
Rio Vista	19
Suisun	7
Vacaville	15
Vallejo	18
County percentage	19
Sonoma	
Cloverdale	37
Healdsburg	33
Petaluma	24
Santa Rosa	14
Sebastopol	28
Sonoma	28
County percentage	19
Stanislaus	
Ceres	14
Modesto	15
Newman	10
Oakdale	15
Patterson	20
Riverbank	18
Turlock	19
County percentage	15
Sutter	
Live Oak	17
Yuba City	17
County percentage	17
Tehama	
Corning	26
Red Bluff	39
Tehama	10
County percentage	31
Tulare	
Dinuba	21
Exeter	23

County and City	Percentage
Lindsay	24
Porterville	26
Tulare	20
Visalia	17
Woodlake	15
County percentage	21
Tuolumne	
Sonora	23
County percentage	23
Ventura	
Fillmore	11
Ojai	34
Oxnard	26
Port Hueneme	20
Santa Paula	22
Ventura	9
County percentage	16
Yolo	
Davis	22
Winters	19
Woodland	20
County percentage	20
Yuba	
Marysville	10
Wheatland	38
County percentage	10

Same

In any county for which a county percentage is set forth in the above schedule and which contains a city which is not listed or which is hereafter created, there shall be transferred to the county general fund the county percentage. In any county for which no county percentage is set forth, and in which a city is hereafter created, there shall be transferred to the county general fund 15 percent.

(d) Once a month there shall be transferred to each city in the county an amount equal to the total sum remaining after the transfers provided for in subparagraph (c) above have been made of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by such city.

(2) Any money deposited with such court or with the clerk thereof which, by order of the court or for any other reason, should be returned in whole or in part to any person, or which is by law payable to the State or to any other public agency, shall be paid to such person or to the State or to such other public agency by warrant of the county auditor, which shall be drawn upon the requisition of the clerk of such court.

All money deposited as bail which has not been claimed within one year after the final disposition of the case in which such money was deposited, or within one year after an order made by the court for the return or delivery of such money to any person, shall be apportioned between the city and the county and paid or transferred in the manner hereinabove provided for the apportionment and payment of fines and forfeitures. This paragraph shall control over any conflicting provisions of law.

Traffic Safety Fund

SEC. 2. Section 770 of the Vehicle Code is amended to read:

770. Disposition by Cities of Certain Fines and Forfeitures. Of the total amount of fines and forfeitures received by a city under Section 1463 of the Penal Code that proportion which is represented by fines and forfeitures collected from any person charged with a misdemeanor under this code following arrest by an officer employed by a city, shall be paid into the treasury of such city and deposited in a special fund to be known as the

"Traffic Safety Fund," and shall be used exclusively for traffic signs, signals and other traffic control devices, the maintenance thereof, equipment and supplies for traffic law enforcement and traffic accident prevention, and for the maintenance, improvement, or construction of public streets, bridges and culverts within such city, but such fund shall not be used to pay the compensation of traffic or other police officers. Said fund may be used to pay the compensation of school crossing guards who are not regular full-time members of the police department of such city.

SEC. 3. Section 771 of the Vehicle Code is amended to read:

Special Road Fund

771. Disposition of Other Fines and Forfeitures. Of the total amount of fines and forfeitures received by a county under subparagraph 1 (a) of Section 1463 of the Penal Code that proportion which is represented by fines and forfeitures collected from any person charged with a misdemeanor under this code following arrest by any officer employed by the State or by a county shall be paid into the treasury of such county in which is located the court imposing such fine or forfeiture, and all such money shall be deposited in a special fund to be known as the "Special Road Fund."

Operative date

SEC. 4. This act shall become operative on the first day of the first month next succeeding its effective date, unless its effective date is the first day of a calendar month, in which event this act shall become operative on its effective date.

CHAPTER 1583

An act making an appropriation for allocations to counties pursuant to the Construction and Employment Act (Chapter 20 of the Statutes of 1946, First Extraordinary Session).

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

Appropriation Construction and Employment Act

SECTION 1. The sum of forty thousand dollars ($40,000) is hereby appropriated out of the Postwar Unemployment and Construction Fund in the State Treasury to be expended without regard to fiscal years for allocations made pursuant to Section 13.5 of the Construction and Employment Act; provided, that no allocation shall be made of any part of said sum for any project on which construction had not been started prior to January 1, 1953.

CHAPTER 1584

An act to add Section 1228.5 to the Government Code, relating to leaves of absence for service to the United States Government in technical cooperation programs.

In effect September 9, 1953

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

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

SECTION 1. Section 1228.5 is added to the Government Code, to read:

Leaves of absence

1228.5. The State Personnel Board may grant to any state employee included within the state civil service, or the governing board of any local agency may grant to any employee of such local governmental agency, upon request, a leave of absence without pay of not to exceed two years to accept a temporary position with the United States Government for service in a foreign country in a technical cooperation program, and upon termination of such service, and for three months thereafter, such employee shall have the right to be restored to his former position. This section shall remain in effect until the ninety-first day after final adjournment of the 1955 Regular Session of the Legislature.

Termination date

CHAPTER 1585

An act to amend Section 1088 of the Penal Code, relating to peremptory challenges to jurors.

In effect September 9, 1953

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

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

SECTION 1. Section 1088 of the Penal Code is amended to read:

Peremptory challenges

1088. If all challenges on both sides are disallowed, either party, first the people and then the defendant, may take a peremptory challenge or pass unless the parties' peremptory challenges are exhausted; and each party shall be entitled to have the panel full before exercising any peremptory challenge. If all the parties on both sides pass consecutively, the jury shall then be sworn, unless the court, for good cause, shall otherwise order. The number of peremptory challenges remaining with a side shall not be diminished by any passing of a peremptory challenge.

CHAPTER 1586

An act making an appropriation for the contingent expenses of the Senate, including expenses of committees, to take effect immediately.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect immediately

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

SECTION 1. The sum of one hundred twenty-five thousand dollars ($125,000) is hereby appropriated out of the General Fund in the State Treasury for the contingent expenses of the Senate, including expenses of committees, without regard to fiscal years.

Appropriation Contingent expenses of Senate

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 take effect immediately.

Current expenses

CHAPTER 1587

An act to amend Section 69645 of the Government Code, relating to the salary of the Judge of the Superior Court in and for Calaveras County.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 69645 of the Government Code is amended to read:

69645. The annual salary of the Judge of the Superior Court of the County of Calaveras is eleven thousand five hundred twenty-seven dollars ($11,527).

Calaveras County Superior Court Judge Salary

CHAPTER 1588

An act to add Chapter 9, comprising Sections 54950 to 54958, inclusive, to Part 1, Division 2, Title 5, of the Government Code, relating to meetings of legislative bodies of local agencies.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 9, comprising Sections 54950 to 54958, inclusive, is added to Part 1, Division 2, Title 5, of the Government Code, to read:

CHAPTER 9. MEETINGS

Legislative intent

54950. In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

"Local agency"

54951. As used in this chapter, "local agency" means a county, city, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

"Legislative body"

54952. As used in this chapter, "legislative body" means the governing board, commission, directors or body of a local agency, or any board or commission thereof.

Meetings open

54953 All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

Time and place of meetings

54954. The legislative body of a local agency shall provide, by ordinance, resolution, by-laws, or by whatever other rule is required for the conduct of business by that body, the time for holding regular meetings. Unless otherwise provided for in the act under which the local agency was formed, meetings of the legislative body need not be held within the boundaries of the territory over which the local agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If, by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the presiding officer of the legislative body.

Adjourned meeting

54955. The legislative body of a local agency may adjourn any regular or adjourned meeting to a time and place specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting for all purposes. When an order of adjournment of a regular or adjourned meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified by ordinance, resolution, by-laws, or whatever other rule is required for regular meetings.

Special meeting Notice

54956. A special meeting may be ordered at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering personally or by mail written notice to each member of the legislative body and to each local newspaper of general circulation, radio or television station requesting notice in writing.

Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. The order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the legislative body.

54957. Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding executive sessions to consider the employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. The legislative body also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body. Executive sessions

54958. The provisions of this chapter shall apply to the legislative body of every local agency notwithstanding the conflicting provisions of any other state law. Conflicting laws

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CHAPTER 1589

An act to amend Section 74641 of the Government Code, relating to municipal court judges' salaries in a district embracing the City of Santa Barbara.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 74641 of the Government Code is amended to read:

74641. There shall be one judge, who shall receive nine thousand six hundred dollars ($9,600) annually. Santa Barbara Municipal Court Judges' salaries

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CHAPTER 1590

An act to add Section 697.2 to the Vehicle Code, relating to length of vehicles.

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 697.2 is added to the Vehicle Code, to read:

697.2. Length of Passenger Busses Equipped With Three or More Axles. As an exception to the length limitations set forth in Section 697, a passenger bus equipped with three or more axles and having an outside turning radius of not more Passenger bus Length

than 45 feet, may exceed 35 feet in length but shall not exceed a length of 40 feet.

CHAPTER 1591

An act to amend Section 57 of the Alcoholic Beverage Control Act (Chapter 330 of the Statutes of 1935), to add Section 303a to the Penal Code, and to amend Section 25657 of the Business and Professions Code, relating to the purchase or sale of alcoholic beverages.

In effect September 9, 1953

[Approved by Governor July 2, 1953. Filed with Secretary of State July 3, 1953.]

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

SECTION 1. Section 57 of the Alcoholic Beverage Control Act is amended to read:

Sec. 57. It shall be unlawful:

Employment of hostesses, etc., to solicit drinks

(a) 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 alcoholic beverages for procuring or encouraging the purchase or sale of alcoholic beverages on such premises;

(b) In any place of business where alcoholic beverages are sold to be consumed upon the premises, to employ or knowingly permit anyone to loiter in or about said premises for the purpose of begging or soliciting any patron or customer of, or visitor in, such premises to purchase any alcoholic beverages for the one begging or soliciting.

Penalty

Every person who violates the provisions of this section shall be guilty of a misdemeanor.

SEC. 2. Section 303a is added to the Penal Code, to read:

Same

303a. It shall be unlawful, in any place of business where alcoholic beverages are sold to be consumed upon the premises, for any person to loiter in or about said premises for the purpose of begging or soliciting any patron or customer of, or visitor in, such premises to purchase any alcoholic beverage for the one begging or soliciting. Violation of this section shall be a misdemeanor.

SEC. 3. Section 25657 of the Business and Professions Code is amended to read:

25657. It is unlawful:

(a) 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 alcoholic beverages for procuring or encouraging the purchase or sale of alcoholic beverages on such premises.

(b) In any place of business where alcoholic beverages are sold to be consumed upon the premises, to employ or knowingly permit anyone to loiter in or about said premises for the purpose of begging or soliciting any patron or customer of, or visitor in, such premises to purchase any alcoholic beverages for the one begging or soliciting.

Every person who violates the provisions of this section is guilty of a misdemeanor.

SEC. 4. Section 3 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 57 of the Alcoholic Beverage Control Act amended by this act is repealed.

Effect Stats 1953, Ch 152

CHAPTER 1592

An act to amend Sections 75032 and 75061 of the Government Code, to add Section 75033 thereto and to add Article 3.5, comprising Sections 75070 to 75072, inclusive, to Chapter 11 of Title 8 thereof, relating to the retirement of judges in respect to the nature, amount, and manner of payment of benefits to and in respect to retired judges.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 3, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 75032 of the Government Code is amended to read:

75032. Every judge hereafter retiring pursuant to Section 75025, shall, during the remainder of his life, receive an allowance equal to one-half the salary payable, at the time payment of the allowance falls due, to the judge holding the judicial office to which he was last 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.

Judges Retirement allowance

SEC. 2. Section 75033 is added to said code, to read:

75033. Notwithstanding any other provision of this chapter, if the service of a judge, who has been elected as such by vote of the people, is discontinued by any means other than death, resignation, recall, impeachment, or retirement pursuant to this chapter, he shall have the right to elect within ninety (90) days thereafter, and without right of revocation, whether to allow his accumulated contributions to remain in the fund. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. A judge who so elects to allow his accumulated contributions to remain in the fund shall, upon his application therefor to the State Controller after attaining age 65, be retired, and receive a retirement

Accumulated contributions Election

allowance based upon the judicial service with which he is credited, in the same manner as other judges, except that his retirement allowance is an annual amount equal to 5 percent of the compensation payable, at the time payments of the allowance fall due, to the judge holding the office which the retired judge last held prior to the discontinuance of his service as judge, multiplied by the number of years of service with which the retired judge is entitled to be credited at the time of such discontinuance of his service, not to exceed eight years.

SEC 3. Section 75061 of said code is amended to read:

Retirement for disability

75061. Every judge hereafter 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 payable, at the time payments of the allowance fall due, to the judge holding the judicial office last held by him, 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.

SEC. 4. Article 3.5 is added to Chapter 11 of Title 8 of the Government Code, to read:

Article 3.5. Payment of Benefits

Change of election

75070. In lieu of the retirement allowance for his life alone, a judge may elect, or revoke or change a previous election prior to the approval of the previous election, to have the actuarial equivalent of his retirement allowance as of the date of retirement applied to a lesser retirement allowance, in accordance with one of the optional settlements specified in Section 75071.

Such election, revocation, or change of election shall be made by a writing filed with the State Controller prior to the making of the first payment on account of any retirement allowance.

Optional settlements

75071. (a) Optional settlement one consists of the right to have a retirement allowance paid him until his death and if he dies before he receives the amount of his accumulated contributions at retirement, to have the balance at death paid to his surviving spouse or estate.

(b) Optional settlement two consists of the right to have a retirement allowance paid him until his death and thereafter to his surviving spouse for life.

(c) Optional settlement three consists of the right to have a retirement allowance paid him until his death, and thereafter to have one-half of his retirement allowance paid to his surviving spouse for life.

(d) Optional settlement four consists of such other benefits as are the actuarial equivalent of his retirement allowance, that he may select subject to the approval of the State Controller.

Increase in optional settlement

75072. If, during the life of a judge who has elected to receive an optional settlement in lieu of a retirement allowance for his life alone, or during the life of a surviving spouse beneficiary under such a settlement upon whose life contingency the optional settlement elected depends, the compensation payable to the judge holding the judicial office to which the retired judge was last elected by the people prior to his retirement is increased, the amounts payable to the retired judge or to his beneficiary, or both, shall be recomputed and increased to be the actuarial equivalent of the increased amount of the retirement allowance to which the retired judge would be entitled if he had not elected an optional settlement. However, this section does not give any retired judge or his beneficiary any claim against the State for any increase in retirement allowance or other benefit for time prior to such increase in the compensation of the incumbent judge.

CHAPTER 1593

An act to amend Section 426 of the Education Code and to amend Section 28126 of the Government Code, relating to compensation for public service in counties of the twenty-sixth class.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 426 of the Education Code is amended to read:

Butte County Superintendent of Schools Salary

426. The annual salary of the county superintendent of schools of a county of the twenty-sixth class is nine thousand five hundred dollars ($9,500), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

SEC. 2. Section 28126 of the Government Code is amended to read:

Butte County officers Salaries

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:

Auditor

(a) The auditor, six thousand six hundred dollars ($6,600) a year.

District attorney

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year.

Supervisors

(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.

Jurors

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.

CHAPTER 1594

An act to amend Section 69667 of the Government Code, relating to the salaries of judges of the superior court.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 69667 of the Government Code is amended to read:

Monterey County Superior Court judges Salaries

69667. The annual salary of each judge of the Superior Court of the County of Monterey is fifteen thousand dollars ($15,000).

CHAPTER 1595

An act to add Article 34 to Chapter 10, Title 8 of the Government Code, relating to the municipal court in a judicial district embracing the City of Ventura.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Article 34 is added to Chapter 10, Title 8 of the Government Code, to read:

Article 34. Ventura

Ventura Municipal Court Salaries

74880. This article applies to the municipal court established in a district embracing the City of Ventura.

Judge

74881. There shall be one judge who shall receive a salary of nine thousand dollars ($9,000) annually.

Clerk

74882. There shall be one clerk who shall receive a minimum salary of two hundred ninety-seven dollars and fifty cents

($297 50) monthly with annual increments of twelve dollars and fifty cents ($12.50), twelve dollars and fifty cents ($12.50), eighteen dollars and seventy-five cents ($18.75), and eighteen dollars and seventy-five cents ($18.75) to a maximum of three hundred sixty dollars ($360) monthly.

Deputy clerks

74883. The clerk may appoint four deputies, each of whom shall receive a minimum salary of two hundred thirty-five dollars ($235) monthly with annual increments of twelve dollars and fifty cents ($12.50), twelve dollars and fifty cents ($12.50), twelve dollars and fifty cents ($12.50), and twelve dollars and fifty cents ($12.50) to a maximum of two hundred eighty-five dollars ($285) monthly.

Marshal

74884. There shall be one marshal who shall receive a salary of two hundred ninety-seven dollars and fifty cents ($297.50) monthly with annual increments of twelve dollars and fifty cents ($12.50), twelve dollars and fifty cents ($12.50), eighteen dollars and seventy-five cents ($18 75), and eighteen dollars and seventy-five cents ($18 75) to a maximum of three hundred sixty dollars ($360) monthly.

Deputy marshal

74885. The marshal may appoint one deputy at a salary of two hundred twenty-two dollars and fifty cents ($222.50) monthly with annual increments of twelve dollars and fifty cents ($12 50), twelve dollars and fifty cents ($12.50), twelve dollars and fifty cents ($12.50), and twelve dollars and fifty cents ($12 50) to a maximum of two hundred seventy-two dollars and fifty cents ($272.50) monthly.

Fees collected

74886. All fees collected by the marshal or his deputies shall be deposited with the county treasurer.

Privileges

74887. All officers and employees shall be entitled to the privileges afforded county employees in the Ventura County Salary Ordinance with respect to sick leave, vacations, and other benefits.

Operative date

SEC. 2. This act shall become operative January 1, 1955.

CHAPTER 1596

An act to amend Section 28155 of the Government Code and Section 455 of the Education Code, relating to compensation for public services in counties of the fifty-fifth class.

[Approved by Governor July 4, 1953 Filed with Secretary of State July 6, 1953]

In effect September 9, 1953

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

SECTION 1. Section 28155 of the Government Code is amended to read:

Trinity County Salaries

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·

Auditor

(a) The auditor, four thousand two hundred dollars ($4,200) a year, and his actual expenses incurred while attending to

the business of the county. The auditor shall also receive mileage at the rate of ten cents ($0.10) a mile for mileage actually traveled in attending to such business.

District attorney

(b) The district attorney, four thousand two hundred dollars ($4,200) a year.

Supervisors

(c) Each supervisor, two hundred dollars ($200) a month and his actual expenses while attending regular, special and adjourned meetings of the board of supervisors and while attending to the business of the county by the order of the board of supervisors, and mileage at the rate of twenty cents ($0.20) a mile, one way, for mileage actually traveled to attend regular, special and adjourned meetings of the board of supervisors, and at the rate of ten cents ($0.10) a mile while attending to the business of the county by the order of the board of supervisors.

Jurors

(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.

Incumbents

The compensation provided by this section shall be payable to incumbent officers.

SEC. 2. Section 455 of the Education Code is amended to read:

Superintendent of schools

455. The annual salary of the county superintendent of schools of a county of the fifty-fifth class is five thousand seven hundred dollars ($5,700), and he shall possess a valid elementary or secondary teaching credential issued by the State Board of Education.

SEC. 3. 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 1597

An act to add Section 170 to the Vehicle Code, relating to special license plates.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 170 is added to the Vehicle Code, to read:

170. Issuance of Special Plates to Amateur Radio Station Licensees. Any person holding an unexpired amateur radio station license, other than a novice station license, issued by the Federal Communication Commission may, at the time he makes application for an original or a renewal registration of a vehicle required to be registered, also apply for a special license plate, to be affixed to the vehicle for which registration is sought, on which, in lieu of the numbers otherwise prescribed by law, shall be inscribed the official amateur radio station call letters of such applicant as assigned by the Federal Communication Commission.

Special license plates Amateur radio station licensees

The director shall provide for the issuance of the special license plates specified in this section upon the applicant's showing of satisfactory proof that he is the holder of such an unexpired license, and may, in addition to the regular annual registration fee, charge an annual fee not exceeding three dollars ($3) for each set of plates so issued.

The department shall make such rules and regulations as necessary to ascertain compliance with all state license and registration laws relating to use and operation of a motor vehicle before issuing such plates in lieu of the regular license plates, and all applications for such plates shall be made to the department. The department shall not issue more than one set of special plates for any licensed amateur radio station.

The department shall, on or before the first day of August of each year, furnish to the sheriff of each county and the chief of police of each incorporated city in the State an alphabetically arranged list of the names, addresses and license plate letters of each person to whom a license plate is issued under the provisions of this section, and it shall be the duty of said sheriffs and chiefs of police to maintain and keep current such lists for public information and inquiry, particularly in relation to public emergencies

The provisions of this section shall remain in effect until January 1, 1956, and thereafter shall have no further force or effect.

Termination date

CHAPTER 1598

An act to create a water conservation district to be called San Benito County Water Conservation and Flood Control District; to prescribe the boundaries and the changing thereof; to provide for the acquisition, retention and reclaiming of drainage, storm, flood and other waters; to provide for the protection of water courses, watersheds, public highways, life and property from damage or destruction from flood and storm waters; to authorize the incurring of indebtedness, the issuance and sale of bonds and the levying and collection of taxes on property within said district and in the respective zones thereof; to define the powers of said district; 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, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

Short title

SECTION 1. This act shall be known and may be cited as the San Benito County Water Conservation and Flood Control District Act.

District established

SEC. 2. A district is hereby created to be called the San Benito County Water Conservation and Flood Control District. Said district shall consist of all of the territory within the County of San Benito lying within the following described exterior boundaries:

Description of boundaries

Beginning at the northeast corner of Rancho San Justo which corner is common to Rancho San Joaquin, Rancho Bolsa de San Felipe and Sec. 24 of T. 12 S., R. 5 E., M. D. B. & M.; thence northwesterly along the boundary between Ranchos San Justo and Bolsa de San Felipe to the intersection of the center line of Santa Anna Creek; thence down said creek in a northerly direction to the intersection between center line of State Highway No. 156 and center line of said creek; thence southwesterly along said highway to the intersection with the San Felipe Road; thence northerly to the northeast corner of the land of Tom Sanchez, et al.; thence westerly along the northern boundary line of Tom Sanchez, et al., to the east line of the land of O'Connell; thence southerly along the west boundary line of Tom Sanchez, et al., to the northeast corner of Lot P of Rancho Bolsa de San Felipe; thence southwesterly along the north boundary of said Lot P to the northwest corner thereof, which point is also the southwest corner of Lot I of said Rancho; thence northwesterly along the west line of said Lot I to the northwest corner of Lot L of said Rancho; thence southwesterly to the center line of the Bolsa Road; thence northwesterly along said center line of Bolsa Road to the intersection with the center line of Hudner Lane; thence southwesterly along the center line of Hudner Lane to the east line of S. P. R. R. right of way; thence southeasterly along the east line of S. P. right of way to the intersection of the agreed partition line between Flint & Bixby and Hollister; thence southwesterly along said agreed partition line to the intersection with the center line of Wright Road; thence along the center line of Wright Road to the intersection of the center line of Buena Vista Road; thence westerly along the center line of Buena Vista Road and along the south boundaries of Lots 26, 25, 24, 23, and 22 of the Flint Hills subdivision to the intersection with the southwest grant line of Rancho Lomerios Muertas; thence northwesterly along a direct line to the point of intersection between the southwesterly boundary line of Rancho Lomerios Muertas and the county line of Santa Clara County in the bed of the Pajaro River; thence following the county boundary line

between the Counties of San Benito and Santa Clara to the northeast corner of Rancho Aromitas y Agua Caliente; thence southeasterly along east boundary line of said Rancho to the intersection with the most northerly corner of Rancho San Antonio; thence following the east boundary line of said Rancho southeasterly and then southwesterly to the intersection with the township line between 12 S. and 13 S., R. 4 E., M. D. B. & M. and; thence east along said township line to the intersection of the west line of the Rancho San Justo; thence southwesterly along the west boundary line of Rancho San Justo to the most westerly corner of said Rancho; thence southeasterly along said Rancho boundary line to the intersection with the agreed boundary line between Flint & Bixby and Hollister; thence northeasterly along said agreed boundary line to the intersection of the center line of the Union Road; thence southeasterly along the center line of said road to the west boundary line of the Hollister Irrigation District; thence in a straight line in a southeasterly direction to a point which is the southeast corner of Rancho San Justo being also the northeast corner of the Rancho Cienega del Gabilan at the Junction of Bird Creek with San Benito River; thence in a straight line in a southeasterly direction to a point which is the intersection of the west line of Sec. 35, T. 14 S., R. 6 E. with the southwest boundary line of Rancho Cienega de los Paicines; thence following along the boundary line of said Rancho in a southeasterly, easterly, and northerly direction to the intersection with the east line of T. 14 S., R. 6 E., which point is the northeast corner of Sec. 24, T. 14 S., R. 6 E.; thence north along the boundary line between T's. 14 S., R's. 6 and 7 E., to the northeast corner of Sec. 1, T. 14 S., R. 6 E.; thence northwesterly in a straight line to the common corner of T's. 12 S., R's. 5 E. and 6 E., and T's. 13 S., R's. 5 and 6 E., which point is in the center line of Fairview Road; thence northerly along center line of said Road to the intersection of the south boundary line of Rancho San Joaquin; thence southwesterly along the south boundary line of said Rancho to the point of beginning.

SEC. 3. As used in this act the following words shall have the respective meanings stated: Definitions

(a) "District" shall mean the San Benito County Water Conservation and Flood Control District.

(b) "Board" shall mean the board of directors of the district.

(c) "County" shall mean the County of San Benito, State of California.

(d) "United States" shall mean the United States of America and all bureaus, commissions, divisions, departments, boards, agencies and officers of the United States of America.

(e) "State of California" shall include the State of California and all bureaus, commissions, divisions, departments, boards, agencies and officers of the State of California.

(f) "Work or works" shall include the dams and damsites, reservoirs and reservoir sites, conduits and other facilities

useful in the control, conservation, diversion and transmission of waters and all land, property, franchises, easements, rights of way and privileges necessary or useful to operate or maintain any of the foregoing.

(g) "Elector" shall mean any real property owner as shown by the last equalized assessment roll of the county, who is also a registered voter in the district or proposed district or in a zone or proposed zone affected or to be affected by any election held under this act.

(h) "Flood and storm waters" shall mean waters in excess of the seasonal normal flow of the streams in which they occur that are not usable beneficially as part of the ordinary flow of such streams and which, if not intercepted, would escape from the County of San Benito.

(i) "May" is permissible, and "shall" is mandatory.

Purposes

SEC. 4. The objects and purposes of this act are to provide on a zone of benefit basis for the control of the flood and storm waters of the district and the flood and storm waters of streams that have their sources outside the district, but which streams and flood waters flow into the district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining, and causing such waters to percolate into the soil within or without the district or to save and conserve in any manner all or any of such waters and to protect from such flood and storm waters the public highways, life and property in the district, and the watercourses and watersheds of streams flowing into the district, and to prevent the waste or diminution of the water supply in the district, and to obtain, retain and reclaim, drainage, storm, flood or other surface waters including waters from within or without the watershed in which the district is located for beneficial use within the district.

Special district election

SEC. 5 Within 40 days after the effective date of this act the board shall, by resolution, provide for the holding of a special district election for the purpose of submitting to the electors the question of whether the organization of the district, as provided herein, shall be ratified and confirmed, and shall fix a date upon which such special district election shall be held, which date shall not be less than 30 nor more than 180 days after the adoption of such resolution.

General election laws applicable

In all particulars not recited in said resolution such special district election shall be called and held in accordance with the general election laws of the State of California insofar as the same may be applicable. But in addition to the matters and things required to be set forth in the proclamation therein provided for, such proclamation shall likewise set forth the proposition to be submitted to the voters. The proposition shall be submitted in substantially the following form: "Shall the organization of the San Benito County Water Conservation and Flood Control District, as provided in the act adopted by the Legislature at its last regular session, known as the San Benito County Water Conservation and Flood Control Act, be ratified and confirmed?" Opposite shall be the word "YES"

followed by a square wherein to mark a cross, and also opposite shall be the word "NO" followed by a square wherein to mark a cross.

There may be absentee ballots under this act.

Returns of the election shall be made and the votes canvassed by the board on the first Monday which is six or more days after the election and the results of the election shall be ascertained and declared by the board at the conclusion of the counting of any absentee ballots, which counting shall be done in conformity with the general election laws of the State of California.

Result of election

If such proposition is approved by a majority of the electors voting thereon at such election the president and secretary of the board shall file or cause to be filed with the Secretary of State and shall record or cause to be recorded in the Office of the County Recorder of San Benito County, a certificate stating the result of such election to be the formation of the district under the provisions thereof. Upon receipt of the certificate the Secretary of State shall within 10 days issue his certificate reciting that the district has been duly incorporated. A copy of this certificate shall be transmitted to and filed with the County Clerk of San Benito County.

District powers General

SEC. 6. 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 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 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 necessary 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

Store water, etc

5. To store water in surface or underground reservoirs, within or outside of the district for the benefit of any zone or zones of the district 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; and 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, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, in-

dustrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, any waters not needed for beneficial uses within the district; to prevent unlawful exportation of water from said district; to commence, maintain, intervene in, defend or compromise, in the name of the district, in behalf of the landowners therein, 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 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 cost and expenses of any and all actions and proceedings now or hereafter begun; 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 interests of the district.

Control flood and storm waters, 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, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

Cooperation with other 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 any of its engineers, officers, boards, commissions, departments or agencies, or with any public district, or with any public or private corporation, or with any city, city and county, or county, 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 importing waters for beneficial use into 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 necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and

locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use 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, acquisition of land, 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 in the name of the State, capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, water works, 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 San Benito County Water Conservation and 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 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 San Benito County Water Conservation and Flood Control 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; 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 controlling flood or storm waters of streams in or running 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.

Indebtedness

10. To incur indebtedness and to issue bonds in the manner herein provided.

Taxes

11. To cause taxes to be levied and collected for the purpose of paying any obligation of the zones established hereunder, and to carry out any of the purposes of this act, in the manner hereinafter provided.

Contracts

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.

Limitations on taxing power

SEC. 7. The board shall have no power to levy any taxes on a district basis and all taxes shall be levied or imposed only on land benefiting from district activities on a zone basis in zones created for specific benefits in accordance with the provisions of this act. In any zone said taxes shall in no event exceed an amount of twenty-five cents ($0.25) per hundred dollars ($100) of assessed valuation of land taxed; provided, however, that taxes for the service of bonds provided in Section 22 of this act may be in addition to said amount.

Eminent domain

SEC. 8. The district shall have and may exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any prop-

erty 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 provisions of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation therefor be first provided in the manner provided by law.

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 directors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement, or interest as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for flood or storm water control or water conservation purposes, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property required by the district as aforesaid for flood control or water conservation purposes.

Nothing in this act shall authorize the district to condemn any of the properties, structures or works now owned or hereafter to be constructed or acquired by the Pacheco Pass Water District.

Board of directors

SEC. 9. The Board of Supervisors of San Benito County shall be and is hereby designated as, and empowered to act as, ex officio the Board of Directors of the San Benito County Water Conservation and Flood Control District.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of directors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of San Benito.

County officers

SEC. 10. The district attorney, county surveyor, county assessor, county tax collector, county auditor and county treasurer of the County of San Benito, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said San Benito County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said San Benito County Water Conservation and Flood Control District and shall respectively perform, unless otherwise provided by the board, the same various duties for said district as for said San

Benito County, in order to carry out the provisions of this act; provided, however, that where the county surveyor is a registered civil engineer and is employed by the board of directors to supervise the engineering work of said district, the board may provide for compensation for his services hereunder payable from the funds of the district, in addition to his salary as county surveyor of San Benito County.

Other employees, etc

SEC. 11. The board shall have power to make and enforce all needful rules and regulations for the administration and government of the district, and to appoint and employ all agents, superintendents, engineers, attorneys, and employees necessary or proper to perform all other acts necessary or proper to accomplish the purposes of this act.

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, which said officers, agents and employees so appointed shall hold their respective offices or positions during the pleasure of the board.

Zones

SEC. 12. The board by resolution thereof shall proceed to and establish such zones within said district as in the judgment of said board are necessary to equitably apportion the benefits of said district to the lands within the respective zones. Such zones may be established within said district without reference to the boundaries of other zones, by setting forth the descriptions thereof by metes and bounds and by entitling each of such zones by a zone number. All zones shall be established only with respect to projects for the specific use and benefit of such zones and 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 instituted in the manner prescribed in Section 15 of this act.

Employment of civil engineers

SEC. 13. 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, store, and distribute in any manner, any or all of such waters, and to protect the public highways, life and property within the district, and the watercourses and watersheds of streams flowing into the district, from damages relating to such waters; and to obtain such other information in regard thereto as may be deemed necessary or useful for 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.

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 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 as directed by the board file with the board supplementary, amendatory and additional reports and recommendations, as necessity may require.

Such engineer or engineers, employed by the board, shall have power and authority, subject to the control and direction of said board, to employ such engineers, surveyors, and others, as may be required for making all surveys or doing any other work necessary for the making of such report.

The board may at any time remove any or all of the engineers or employees appointed or employed under this act, and may fill any vacancies occurring among them from any cause.

Petition

SEC. 14. Upon written petition of not less than either 50 landowners or 50 percent of the landowners of any area of the district, asking assistance under this act, the board shall investigate the recommendations of the petition and shall decide whether or not to proceed with the carrying out of said recommendations, as provided in this act.

Said petition shall contain a general description of the area believed to benefit, and of the work asked to be done, together with an estimated cost of said work. 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:

Determination of board Projects

1. For the benefit of a single zone.

2. For the common benefit of two or more zones hereinafter referred to as participating zones.

SEC. 15. 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 zone 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 zones or 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 (7) days before said hearing, in a newspaper of general circulation designated by the board, 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 or 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.

Resolution of intention

Notice of hearing

Hearing

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, or a portion thereof, unless prior to the conclusion of said hearing written protests against the proposed project signed by a majority in number of the property owners who are registered voters residing within such zone or participating zones 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 at the discretion of the board.

Advisory committees

SEC. 16. Whenever the board institutes a project for a single zone or a joint project for two or more zones, it shall appoint, for each zone, at the time of the adoption of its resolution of intent, an advisory committee of three persons who are property owners residing in the zone for which they are appointed, to represent before the board the residents and property owners of that zone. Each person so appointed shall be permitted to attend every meeting of the board in which any matter affecting his zone is discussed or considered. The board shall not discuss, consider or act on any matter which affects any zone unless each member of the advisory committee for that zone has been notified in writing as to the time and place of the meeting at least five days before the meeting. Vacancies in the advisory committees shall be filled by appointment by the board.

SEC. 17. The board shall have power, in any year:

To levy taxes upon all land in each or any of said zones, according to the benefits derived or to be derived therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of benefit to such zones, including the administering, 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 zones. Said taxes shall be based upon the assessment rolls used by the county for general tax purposes. Tax levy

In the event of project cooperation with any of the governmental bodies as authorized in subdivision 7 of Section 6 of this act, and 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 agreed to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said contract it is agreed that 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 levy and collect a special tax upon the property in such zone or participating zones, whereby to raise funds to enable the district to make such payment. Special tax

Said taxes shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and 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 of the several zones from the taxes levied under the provisions 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. Disposition of proceeds

SEC. 18. (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 in order to raise the amount of money necessary for each work or improvement and the denomination and 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 San Benito 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. Bonded indebtedness Resolution of intention

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond Special bond election

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 levied upon the lands situated within the zone or participating zones, and all such lands shall be and remain liable to be taxed for such payments as provided in this act.

Ordinance

(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 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 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 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 at least one inspector, one judge and one clerk for each of such special bond election precincts.

General election laws applicable

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, except that voters shall be electors as defined in this act.

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 of ordinance

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.

Defects or irregularities

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. If at such election two-thirds ($\frac{2}{3}$) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings shall be issued and sold as in this act provided.

Form, time of payment, etc., of bonds

SEC. 19. 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 zones 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 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 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. 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 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 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.

Bond sale

SEC. 20. The board may issue and sell the bonds of 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 San Benito 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; and the proper record of such transactions shall be placed upon the

books of said county treasurer, and said respective zone funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling 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 San Benito.

Lien

SEC. 21. Any bonds issued under the provisions of this act shall be a lien upon all land of the zone or zones 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 land within said zone or participating zones and all land in said zone or participating zones shall be and remain liable to be taxed for such payments as hereinafter provided. No zone nor the property therein shall be liable for the share of 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 share of bonded indebtedness chargeable to any other zone.

Payment of bonds

Deposit and registration of bonds

Said bonds may be deposited and registered with the treasurer of the county, and it shall be an official duty of said treasurer to receive and register said bonds in the name of the holder and to keep a sufficient book of registry thereof setting forth a description of the bonds and the names and addresses of the respective holders, and to give each holder of such bonds so registered a receipt therefor; said receipts shall be personal to the respective holders and not transferable. Such bonds shall be returned to such holders thereof or in case of death to the duly appointed personal representative of the holder's estate, upon the giving of receipt therefor, with or without return of the receipt given by the treasurer at the time of such deposit and registry. And the treasurer, at the request of such holder, or such personal representative, may detach and deliver to such holder or personal representative, mature coupons from time to time, first taking receipts therefor.

Annual tax levy:

SEC. 22. The board shall levy a tax each year upon all land in the zone or zones 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 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 San Benito County to the credit of the zone of payment, 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 San Benito County in the manner provided by law for the payment of principal and interest on bonds of said county.

Levying, assessing, etc.

SEC. 23. The provisions of law of this State, prescribing the time and manner of levying, assessing, equalizing and col-

lecting 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.

Legislative declarations

SEC. 24. Notwithstanding Section 54903 of the Government Code, the San Benito County Water Conservation and Flood Control District is validly created for the purposes of assessment and taxation.

For the Fiscal Year 1953-1954, but for no other fiscal year, notwithstanding Section 23 of this act, the assessment and equalization of property for the purpose of zone taxation shall be effected as provided in this section.

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 presumption

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 taxes for the district. If the ownership or value of any real 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.

Equalization of assessments

In equalizing the assessments made by the county assessor, the Board of Supervisors of San Benito 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 land 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.

Failure to seek change

If, for purposes of assessment within 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.

Necessary 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 within the district for the Fiscal Year 1953-1954. Except as provided in

this section, Section 23 of this act is applicable to the assessment and equalization of property for the purpose of assessing and equalizing within the district for the Fiscal Year 1953-1954.

Bonds as legal investments

SEC. 25. The bonds of the district issued for any zone or zones 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 exempt from state tax

SEC. 26. 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 for improvement, etc

SEC. 27. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the engineer, will exceed five thousand dollars ($5,000), 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) weekly insertions once a week in a newspaper of general circulation in said district inviting sealed proposals for the construction or 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 con-

Bids

tain 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 all proposals are rejected or no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of five thousand dollars ($5,000), 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 may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertising for bids therefor, materials and supplies for use in any work therewith either under contract or by force account.

Making of improvements

SEC. 28. 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, in which event the board 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. 29. Whenever bonds have been authorized by any zone or participating zone of said district and the proceeds of the sale thereof have been expended 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.

Insufficient votes

SEC. 30. 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.

Effect of repeal or amendment

SEC. 31. 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.

Grant of right of way

SEC. 32. There is hereby granted to San Benito County Water Conservation and Flood Control 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 the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands

Relocation of streets, roads, etc

SEC. 33. (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, 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. It shall be provided in all agreements for exchange of property and judgments requiring relocation of other public uses as specified in this section and in Section 8 of this act, that in making such exchanges it shall be specifically provided that such property so condemned and exchanged be limited to public use by the party with whom such exchange is made.

Public Utilities Commission

(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.

Proceedings

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the mode prescribed in paragraphs 1, 2, 3, 4, 5, 6, and 7 of subsection (c) of Section 43 of the Public Utilities Act as amended by Chapter 855 of the Statutes of 1933.

Claims against district

SEC. 34. 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 90 days 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 90 days to correct defects in form or 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 6 months after the cause of action arose.

Legal title to property

SEC. 35. The legal title to all property, except shares of stock in mutual water companies or corporations, as provided in Section 31d of Article IV of the Constitution, 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.

Court proceedings

SEC. 36. 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 San Benito, 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 and water conservation 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. The State of California shall be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. 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.

Summons

Defendants

Employees' bonds

SEC. 37. Employees appointed by the board under this act when required by resolution therefor of the board of supervisors of the district, shall execute bonds conditioned, executed, approved, filed, and recorded in the general manner and form pro-

vided by law for officers, other than supervisors, of said county, before entering upon the duties of their respective employments.

Inclusion or withdrawal of territory.

SEC. 38. Any area of the county may withdraw from or be made a part of the district as provided in this section.

The decisions made by the board on the matter of said withdrawal or inclusion shall be on the basis of benefits to the land involved.

Petition

Upon written petition of not less than 50 landowners of an area of the county, or 50 percent of the landowners if there are fewer than 100 landowners of said area, asking withdrawal from or inclusion into the district, the board shall call a hearing and shall cause to be published a notice of the time and place of said hearing on the matters asked in said petition. The notice shall be mailed to each landowner in the area sought to be withdrawn or included at his address as shown on the last equalized assessment roll of the county. The notice shall also be published at least two successive weeks prior to the hearing in a newspaper of general circulation in the petitioning area. A copy of said notice shall be transmitted to the county boundary commission. The commission shall advise the board as to the judgment of the commission regarding the proposal.

Notice

Submission to county boundary commission

Hearing

At the hearing the board shall hear and consider all evidence and testimony in favor of and in opposition to the proposal and shall consider the advice of the commission.

After the hearing, the board shall take one of the following actions:

1. The board may deny the petition, in which case its action is final, and the proposal is lost as far as the particular petition is concerned.

2. The board may agree with the petitioners, in which case it shall by resolution order the petitioning area withdrawn, or included, as the case may be, and thereupon said area is withdrawn, or included, as the case may be.

3. In the event the board feels that the matter should be decided by an election, it shall hold an election in the petitioning area. A majority of electors voting at said election shall then decide the issue.

Outstanding obligations

If upon withdrawal there are any outstanding obligations of the area withdrawn, said withdrawal shall not release any of the property withdrawn from said obligations.

The boundaries of the district may be changed by the Legislature.

Notice of boundary change

Notice of any change of boundaries made pursuant to this section, other than by act of the Legislature, shall be filed with the Secretary of State within 10 days after the effective date of such change. The notice shall contain a description of the boundaries of the district as changed by the withdrawal or inclusion of the area.

Liberal construction

SEC. 39. This act, and every part thereof, shall be liberally construed to promote the objects thereof, and to carry out its intents and purposes.

SEC. 40. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby. Separability clause

SEC. 41. 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: Urgency

The effective culmination of planning and application and operation of engineering and fiscal data developed for use in this project requires the development of an immediate and expedient program prior to the flood season. In order to accomplish this purpose and to effect operation at the earliest possible moment under favorable conditions, it is necessary that this act take effect immediately.

CHAPTER 1599

An act to amend Section 2110 of the Streets and Highways Code, relating to apportionments to counties payable from the Highway Users Tax Fund.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.] In effect September 9, 1953

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

SECTION 1. Section 2110 of the Streets and Highways Code is amended to read:

2110. The moneys payable to the counties under Section 2104 shall be apportioned among the several counties as follows: Highway Users Tax Fund. Manner of apportionment to counties

(a) The first three hundred sixty thousand dollars ($360,000) shall be apportioned for snow removal on county roads to the following counties in the named percentages:

Alpine	.43 percent
Amador	.20 percent
Butte	1.91 percent
Calaveras	.70 percent
El Dorado	2.82 percent
Humboldt	1.14 percent
Inyo	1.94 percent
Kern	1.10 percent
Lassen	5.96 percent
Los Angeles	7.15 percent
Lake	.51 percent
Madera	1.02 percent
Mariposa	.52 percent
Modoc	3.47 percent
Mono	4.20 percent
Nevada	6.07 percent

Placer	4.77 percent
Plumas	13.38 percent
Riverside	1.08 percent
San Bernardino	8.39 percent
San Diego	2.98 percent
Shasta	6.40 percent
Sierra	2.51 percent
Siskiyou	11.79 percent
Tehama	.10 percent
Trinity	6.46 percent
Tuolumne	1.19 percent
Yuba	1.81 percent

(b) The second three hundred sixty thousand dollars ($360,000) shall be apportioned for heavy rainfall and storm damage on county roads to the following counties in the named percentages:

Alameda	2.874
Amador	.148
Butte	.176
Colusa	.370
Contra Costa	11.564
Del Norte	.275
Fresno	.698
Humboldt	5.395
Los Angeles	10.839
Marin	4.134
Mendocino	2.279
Monterey	4.046
Napa	2.133
Nevada	.785
Orange	.056
Placer	.093
Plumas	.981
Riverside	1.296
San Benito	1.170
San Bernardino	2.852
San Francisco	1.111
San Diego	3.017
San Luis Obispo	6.322
Santa Barbara	8.376
Santa Cruz	13.298
Sierra	.364
Siskiyou	.890
Sonoma	11.195
Trinity	2.337
Yuba	.926

(c) The remainder shall be apportioned among the several counties in the proportion that the number of fee-paid vehicles registered in each of such counties as of the last day of the second calendar quarter preceding the month in which the

apportionment is required to be made bears to the total number of fee-paid vehicles registered in the State as of such date, as determined by the places of residence of the registered owners thereof, as shown on the registration cards issued.

The Department of Motor Vehicles shall, when requested by the Controller, furnish to him a verified statement showing the number of such fee-paid vehicles registered in each county and in the State according to the records of the department, for the use of the Controller in making the apportionments provided for herein.

CHAPTER 1600

An act to reappropriate money previously appropriated to the Regents of the University of California.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Notwithstanding any other provision of law, all sums of money which were heretofore appropriated to the Regents of the University of California and are subject to the provisions of Section 3 of Chapter 145, Statutes of 1946, First Extraordinary Session, and which have been heretofore withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 20041 of the Education Code are hereby reappropriated for the purposes for which originally appropriated or allocated; provided, that any portion of each such sum which remains after the purpose for which such sum was appropriated or allocated has been accomplished shall be used and expended by the Regents of the University of California in executing and furthering the building and improvement program of the University of California; provided, that no such sums shall be allocated to projects not previously authorized by legislative appropriation or allocation by the State Public Works Board. The sums of money hereby appropriated shall be available for expenditure in payment of any encumbrances incurred heretofore or hereafter without regard to fiscal years; provided, however, that any unencumbered balances existing as of June 30, 1956, shall revert to the Capital Outlay and Savings Fund.

Reappropriation of money previously appropriated

Increments by way of interest or otherwise to funds which have been appropriated or allocated for construction, improvements, repairs or equipment for the University of California, and which have been withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 20041 of the Education Code, may from time to time be used and expended by the Regents of the University of California in executing or furthering the building and improvement program of the University of California.

A report shall be submitted to the State Public Works Board of any allocations made pursuant to the provisions of this section.

CHAPTER 1601

An act to amend Sections 2103, 2111, 2113, 2114, 2115, and 2116, and to repeal Section 2112, of, and to add Section 2110.5 to, the Streets and Highways Code, and to amend Section 8353 of the Revenue and Taxation Code, relating to highway users taxes and the apportionment thereof.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 2103 of the Streets and Highways Code is amended to read:

Monthly apportionment

2103. The money in the Highway Users Tax Fund shall be apportioned monthly by the State Controller, as provided in Sections 2104 to 2121.

SEC. 2. Section 2110.5 is added to the Streets and Highways Code, to read:

Remaining money apportioned

2110.5. In lieu of the provisions of the final lettered subdivision of Section 2110, as to revenues deposited in the State Treasury on and after October 1, 1953, the remainder of the moneys mentioned in Section 2110 after the apportionments provided for in the lettered subdivisions of said section except the final lettered subdivision of said section shall be apportioned among the several counties in the respective proportions that the number of fee-paid vehicles registered in each of such counties bears to the total number of fee-paid vehicles registered in the State during the 12 calendar months covered by the 12 verified statements of registrations last filed with the State Controller, as herein provided, prior to the making of such apportionment.

The Department of Motor Vehicles shall, as soon as possible after the last day of each calendar month, furnish to the State Controller a verified statement showing the number of fee-paid vehicles registered in each county and in the State during the preceding calendar month, as determined by the places of residence of the registered owners thereof, as shown on the registration cards issued, according to its records, for the use of the State Controller in making the apportionments provided for herein.

SEC. 3. Section 2111 of the Streets and Highways Code is amended to read:

Manner of apportionment

2111. The moneys payable to the counties under Section 2105 shall be apportioned among the several counties as follows: (a) First, each county shall be paid one-twelfth of twenty thousand dollars ($20,000) during each calendar month, which amounts shall be expended exclusively for engineering costs and administrative expenses in respect to county roads. In the event that any such amount, as indicated by the report filed by the county with the State Controller under Section 2152 hereof has not been expended by the county within 18 months after the close of the calendar month during which said amount was paid,

Failure to expend money

the unexpended balance shall be deducted by the State Controller from the next payment made hereunder to the county, and shall be credited as a deposit in the Highway Users Tax Fund. (b) Secondly, each county shall be paid two thousand five hundred dollars ($2,500) during each calendar month. (c) Thirdly, the balance remaining at the time of each monthly apportionment hereunder shall be apportioned among the several counties in the respective proportions that the number of fee-paid and exempt vehicles registered in each of such counties bears to the total number of fee-paid and exempt vehicles registered in the State during the 12 calendar months covered by the 12 verified statements of registrations last filed with the State Controller, as herein provided, prior to the making of such apportionment.

The Department of Motor Vehicles shall, as soon as possible after the last day of each calendar month, furnish to the State Controller a verified statement showing the number of fee-paid and exempt vehicles registered in each county and in the State during the preceding calendar month, as determined by the places of residence of the registered owners thereof, as shown on the registration cards issued, according to its records, for the use of the State Controller in making the apportionments provided for herein.

Repeal

SEC. 4. Section 2112 of the Streets and Highways Code is hereby repealed.

SEC. 5. Section 2113 of the Streets and Highways Code is amended to read:

Monthly apportionment

2113. The moneys payable to the counties under Section 2106 shall be apportioned monthly among the several counties as provided in Sections 2114, 2115 and 2116.

SEC. 6. Section 2114 of the Streets and Highways Code is amended to read:

Manner of apportionment

2114. First, from the moneys payable under Section 2106 there shall be paid to each county eligible thereto an amount computed monthly as follows: The number of miles of maintained county road in each county shall be multiplied by twenty-five dollars ($25); from the resultant amount shall be deducted the amount received by each county under subdivisions (b) and (c) of Section 2111; and the remainder, if any, shall be paid to each county.

SEC. 7. Section 2115 of the Streets and Highways Code is amended to read:

2115. One-half of the balance remaining after making the payments provided for in Section 2114 shall be apportioned among the several counties in the same proportion as the moneys referred to in subdivision (c) of Section 2111 are apportioned to such counties under the provisions of said subdivision (c).

SEC. 8. Section 2116 of the Streets and Highways Code is amended to read:

2116. The remaining one-half of such balance shall be apportioned and paid monthly to the counties in the proportion that the number of miles of maintained county roads in each of

the counties eligible for this apportionment bears to the total number of miles of maintained county roads in eligible counties; provided, that no apportionment hereunder shall be made to any county whose monthly apportionment under Section 2110 and subdivisions (b) and (c) of Section 2111 exceeds the sum obtained by multiplying the number of miles of maintained county roads in such county by fifty dollars ($50).

SEC. 9. Section 8353 of the Revenue and Taxation Code is amended to read:

Transfer of balance

8353. During each calendar month the balance remaining in the Motor Vehicle Fuel Fund at the close of business on the last day of the preceding calendar month, after payments of refunds and administration and enforcement, as provided for in Section 8352, shall, on order of the State Controller, be transferred to the Highway Users Tax Fund.

SEC. 10. The provisions of Chapter 20 of the Statutes of 1952 (Second Extraordinary Session) shall remain in full force and effect, notwithstanding any of the provisions of this act.

Operative date

SEC. 11. This act shall become effective on November 1, 1953; it being the intention of the Legislature that the changes in the transfers and apportionment of funds effected by this act shall apply to revenues deposited in the State Treasury on and after October 1, 1953, but that the transfers and apportionment of revenues deposited in the State Treasury prior to October 1, 1953 shall be made in accordance with the provisions of law in effect prior to the effective date hereof.

CHAPTER 1602

An act to amend Section 28134 of the Government Code and to amend Section 434 of the Education Code, relating to the compensation for public service in counties of the thirty-fourth class.

In effect September 9, 1953

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 28134 of the Government Code is amended to read:

Madera County Salaries

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:

Auditor

(a) The auditor, seven thousand five hundred dollars ($7,500) a year.

District attorney

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year.

Supervisors

(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, eight cents ($0.08)

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 eight cents ($0.08) 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 eight cents ($0.08) a mile for each mile actually traveled each way in attending each day's session of the court. Jurors

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. Incumbents

SEC. 2. Section 434 of the Education Code is amended to read:

434. The annual salary of the county superintendent of schools of a county of the thirty-fourth class is seven thousand dollars ($7,000), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education. County superintendent of schools

CHAPTER 1603

An act to amend Sections 73681 and 73684 of the Government Code, relating to the municipal court in a district embracing the City of Fresno.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 73681 of the Government Code is amended to read:

Fresno municipal court salaries Judges

73681. There shall be four judges, each of whom shall receive eleven thousand dollars ($11,000) annually.

SEC. 2. Section 73684 of said code is amended to read:

73684. The clerk may also appoint:

Intermediate stenographer clerk

(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.

Intermediate typist clerks

(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.

Junior typist clerks

(c) Four 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.

CHAPTER 1604

An act to amend Section 69646 of the Government Code, relating to the judge's salary in the County of Colusa.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 69646 of the Government Code is amended to read:

69646. The annual salary of the Judge of the Superior Court of the County of Colusa is eleven thousand five hundred twenty-seven dollars ($11,527).

Colusa County Superior Court Judge Salary

CHAPTER 1605

An act to add Section 3.5 to Chapter 1422 of the Statutes of 1945, relating to the acquisition of lands for state park purposes near Emerald Bay in El Dorado County.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 3.5 is added to Chapter 1422 of the Statutes of 1945, to read:

Sec. 3.5. In order to enlarge the D. L. Bliss State Park, the Division of Beaches and Parks, Department of Natural Resources is authorized to acquire additional lands near Emerald Bay in El Dorado County, pursuant to this act, as follows:

Bliss State Park Acquisition of additional lands

Any privately owned lands within all or any portion of the northeast quarter (NE. ¼) and the south half (S. ½) of Section Twenty-one (21), all of Section Twenty-two (22), the west half (W. ½) of Section Twenty-three (23), the north half of the northwest quarter (N. ½ of NW. ¼) and the southwest quarter of the northwest quarter (SW. ¼ of NW. ¼) of Section Twenty-seven (27) and the north half of the northeast quarter (N. ½ of NE. ¼) of Section Twenty-eight (28), Township Thirteen (13) North, Range Seventeen (17) East, Mount Diablo Base and Meridian.

Notwithstanding the provisions of Section 4, expenditures may be made for acquiring lands pursuant to this section without matching the amounts thereof by like amounts in money, property or lands received from private or other sources.

CHAPTER 1606

An act to amend Section 13196 of the Government Code, relating to the use of water impounded by Rector Dam.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 13196 of the Government Code is amended to read:

13196. The Veterans' Home of California, for all purposes including irrigation and domestic, shall have the first and prior right to all available water stored in Rector Dam on state property in Napa County.

Veterans' Home of California Right to water

Said right shall be prior to any allocation of said waters for the use of any other state institutions, including the State Game Farm, State Farm and the Napa State Hospital.

In the event that there is more water available than necessary to meet the requirements of the Veterans' Home of California, the department may take and conduct from the dam such quantity of the surplus water as may be determined by the State Engineer to be necessary for the use of the Napa State Hospital and other state establishments located in the County of Napa, including the State Game Farm and State Farm, and may acquire rights of way by purchase, lease, or condemnation for that purpose.

CHAPTER 1607

An act making an appropriation for state, district and county fairs.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

Appropriation State district and county fairs

SECTION 1. The sum of fifty thousand dollars ($50,000) is hereby appropriated from any moneys in the Fairs and Expositions Fund, allotted by subdivision (c) of Section 19626 of the Business and Professions Code, for purposes of state, district and county fairs, to be expended during the 1953-54 Fiscal Year.

Limitations

SEC. 2. No more than thirty thousand dollars ($30,000) of the sum appropriated by Section 1 of this act shall be expended by the No. 1-A District Agricultural Association for the purposes of repairing buildings and structures.

SEC. 3. No more than twenty thousand dollars ($20,000) of the sum appropriated by Section 1 of this act shall be expended by the Department of Finance for the purposes of customer surveys and research for state, district and county fairs.

CHAPTER 1608

An act to amend Section 69669 of the Government Code, relating to the salary of the Judge of the Superior Court in and for Nevada County.

In effect September 9, 1953

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 69669 of the Government Code is amended to read:

69669. The annual salary of the Judge of the Superior Court of the County of Nevada is eleven thousand five hundred twenty-seven dollars ($11,527).

Nevada County Superior Court Judge Salary

CHAPTER 1609

An act to amend Section 69643 of the Government Code, relating to the salary of the Judge of the Superior Court in and for Amador County.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 69643 of the Government Code is amended to read:

69643. The annual salary of the Judge of the Superior Court of the County of Amador is eleven thousand five hundred twenty-seven dollars ($11,527).

Amador County Superior Court Judge Salary

CHAPTER 1610

An act to amend Sections 73391 and 74041 of the Government Code, relating to the compensation of municipal court judges.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 73391 of the Government Code is amended to read:

73391. There shall be three judges, each of whom shall receive twelve thousand four hundred forty-eight dollars ($12,448) annually.

Alviso-San Jose Municipal Court District Judges' salaries

SEC. 2. Section 74041 of said code is amended to read:

74041. There shall be one judge who shall receive a salary of twelve thousand four hundred forty-eight dollars ($12,448) annually.

Palo Alto-Mountain View Municipal Court District Judge's salary

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CHAPTER 1611

An act to amend Section 117d of the Code of Civil Procedure, relating to time limits in small claims actions.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 117d of the Code of Civil Procedure is amended to read:

Appearance of defendant

117d. The date for the appearance of the defendant as provided in the order endorsed on the affidavit shall not be more than 30 days nor less than 10 days from the date of said order if the defendant resides within the county in which the action is brought, or not more than 60 days nor less than 30 days if the defendant resides outside the county in which the action is brought. When the judge or clerk has fixed the date for the appearance of the defendant he shall inform the plaintiff of said date and at the same time order the plaintiff to appear on said date and to have with him his books, papers and witnesses necessary to prove his claim. If the order is not served upon the defendant at least five days prior to the appearance date if the defendant resides within the county in which the action is brought, or at least 15 days prior to the appearance date if the defendant resides outside the county in which the action is brought the plaintiff may apply to the judge or clerk or deputy clerk for a new order setting a new date for the appearance of the defendant which shall not be more than 30 days nor less than 10 days from the date of the issuance of the new order if the defendant resides within the county in which the action is brought, or not more than 60 days nor less than 30 days if the defendant resides outside the county in which the action is brought and does not request a continuance; if the defendant was not served within the minimum time specified in this paragraph the court must, upon request of an appearing defendant, continue the date of hearing for not less than 10 days.

Defendant not personally served

If a defendant is not personally served or did not sign the registered mail return receipt provided in Section 117c at least five days prior to the appearance date if the defendant resides within the county in which the action is brought, or at least 15 days prior to the appearance date if the defendant resides outside the county in which the action is brought, the court does not have jurisdiction to render judgment, unless the defendant personally appears in court on the appearance date.

CHAPTER 1612

An act to amend Sections 73521, 73522, and 73523 of the Government Code, relating to municipal court in the Cities of Burlingame and San Mateo.

In effect September 9, 1953

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

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

Burlingame-San Mateo Municipal Court District salaries

Judge

SECTION 1. Section 73521 of the Government Code is amended to read:

73521. There shall be one judge, who shall receive twelve thousand four hundred forty-eight dollars ($12,448) annually.

Clerk

SEC. 2. Section 73522 of said code is amended to read:

73522. There shall be one clerk who shall receive an annual salary of five thousand one hundred dollars ($5,100).

SEC. 3. Section 73523 of said code is amended to read:

73523. The clerk may appoint: Deputy clerks

(a) Two deputy clerks, each of whom shall receive a salary of two hundred fifty-two dollars ($252) per month, and annual increments of fourteen dollars ($14), fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17) to a maximum of three hundred fourteen dollars ($314) per month.

(b) Two deputy clerks, each of whom shall receive a salary of two hundred twenty-five dollars ($225) per month, and annual increments of thirteen dollars ($13), fourteen dollars ($14), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of two hundred eighty-one dollars ($281) per month.

CHAPTER 1613

An act to amend Sections 69658, 69672 and 69665 of the Government Code, relating to the compensation of superior court judges.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.] In effect September 9, 1953

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

SECTION 1. Section 69665 of the Government Code is amended to read:

69665. The annual salary of the Judge of the Superior Court of the County of Modoc is eleven thousand dollars ($11,000). Modoc County Superior Court Judge Salary

SEC. 2. Section 69658 of the Government Code is amended to read:

69658. The annual salary of the Judge of the Superior Court of the County of Lassen is eleven thousand five hundred twenty-seven dollars ($11,527). Lassen County Superior Court Judge Salary

SEC. 3. Section 69672 of the Government Code is amended to read:

69672. The annual salary of the Judge of the Superior Court of the County of Plumas is eleven thousand five hundred twenty-seven dollars ($11,527). Plumas County Superior Court Judge Salary

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CHAPTER 1614

An act to repeal Articles 4, 5, 6, 7, 8 and 9 of, and to add Article 4 to, Chapter 9, Title 8 of the Government Code, relating to the number, compensation, and duties of officers and attaches of municipal courts.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.] In effect September 9, 1953

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

SECTION 1. Articles 4, 5, 6, 7, 8 and 9 of Chapter 9, Title 8 of the Government Code are repealed. Repeals

SEC. 2. Article 4 is added to Chapter 9, Title 8 of the Government Code, to read:

Article 4. Courts in Los Angeles County

Los Angeles County municipal court districts Salaries

72750. This article applies only to municipal courts established in districts in Los Angeles County except the Los Angeles Judicial District.

Five-judge district

72751. In each municipal court district having five judges authorized by law the officers and attaches shall be appointed and compensated as follows:

Clerk

There shall be one clerk, appointed by the judges of the court, who shall receive a minimum salary of six hundred forty-one dollars ($641) monthly with step advancements of thirty-six dollars ($36) and thirty-eight dollars ($38) to a maximum of seven hundred fifteen dollars ($715) monthly.

The clerk may appoint

Deputy clerks

(a) Seven deputy clerks grade I who shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly with step advancements of fourteen dollars ($14) and fifteen dollars ($15) to a maximum of two hundred eighty-eight dollars ($288) monthly.

(b) Six deputy clerks grade II who shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with step advancements of fifteen dollars ($15) and sixteen dollars ($16) to a maximum of three hundred nineteen dollars ($319) monthly.

(c) Six deputy clerks grade III who shall receive a minimum salary of three hundred thirty-seven dollars ($337) monthly with step advancements of eighteen dollars ($18) and twenty dollars ($20) to a maximum of three hundred seventy-five dollars ($375) monthly.

(d) Five deputy clerks grade IV who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with step advancements of forty-five dollars ($45) and forty-nine dollars ($49) to a maximum of four hundred eighty-nine dollars ($489) monthly.

Cashier-bookkeeper

(e) One chief cashier-bookkeeper who shall receive a minimum salary of four hundred sixty-four dollars ($464) monthly with step advancements of twenty-five dollars ($25) and twenty-seven dollars ($27) to a maximum of five hundred sixteen dollars ($516) monthly.

Jury secretary

(f) One jury secretary who shall receive a minimum salary of four hundred sixty-four dollars ($464) monthly with step advancements of twenty-five dollars ($25) and twenty-seven dollars ($27) to a maximum of five hundred sixteen dollars ($516) monthly.

Chief clerk —civil

(g) One chief clerk—civil who shall receive a minimum salary of four hundred eighty-nine dollars ($489) monthly with step advancements of twenty-seven dollars ($27) and twenty-nine dollars ($29) to a maximum of five hundred forty-five dollars ($545) monthly.

(h) One chief clerk—criminal who shall receive a minimum salary of four hundred eighty-nine dollars ($489) monthly with step advancements of twenty-seven dollars ($27) and twenty-nine dollars ($29) to a maximum of five hundred forty-five dollars ($545) monthly. Chief clerk—criminal

(i) One chief clerk—traffic who shall receive a minimum salary of four hundred eighty-nine dollars ($489) monthly with step advancements of twenty-seven dollars ($27) and twenty-nine dollars ($29) to a maximum of five hundred forty-five dollars ($545) monthly. Chief clerk—traffic

72752. In each municipal court district having three judges authorized by law the officers and attaches shall be appointed and compensated as follows: Three-judge district

There shall be one clerk, appointed by the judges of the court, who shall receive a minimum salary of six hundred eight dollars ($608) monthly with step advancements of thirty-three dollars ($33) and thirty-six dollars ($36) to a maximum of six hundred seventy-seven dollars ($677) monthly. Clerk

The clerk may appoint:

(a) Eight deputy clerks grade I who shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly with step advancements of fourteen dollars ($14) and fifteen dollars ($15) to a maximum of two hundred eighty-eight dollars ($288) monthly. Deputy clerks

(b) Four deputy clerks grade II who shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with step advancements of fifteen dollars ($15) and sixteen dollars ($16) to a maximum of three hundred nineteen dollars ($319) monthly.

(c) Four deputy clerks grade III who shall receive a minimum salary of three hundred thirty-seven dollars ($337) monthly with step advancements of eighteen dollars ($18) and twenty dollars ($20) to a maximum of three hundred seventy-five dollars ($375) monthly.

(d) Three deputy clerks grade IV who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with step advancements of forty-five dollars ($45) and forty-nine dollars ($49) to a maximum of four hundred eighty-nine dollars ($489) monthly.

(e) One chief deputy clerk who shall receive a minimum salary of four hundred eighty-nine dollars ($489) monthly with step advancements of twenty-seven dollars ($27) and twenty-nine dollars ($29) to a maximum of five hundred forty-five dollars ($545) monthly.

72753. In each municipal court district having two judges authorized by law the officers and attaches shall be appointed and compensated as follows: Two-judge district

There shall be one clerk, appointed by the judges of the court, who shall receive a minimum salary of six hundred eight dollars ($608) monthly with step advancements of thirty-three dollars ($33) and thirty-six dollars ($36) to a maximum of six hundred seventy-seven dollars ($677) monthly. Clerk

The clerk may appoint:

Deputy clerks

(a) Five deputy clerks grade I who shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly with step advancements of fourteen dollars ($14) and fifteen dollars ($15) to a maximum of two hundred eighty-eight dollars ($288) monthly.

(b) Two deputy clerks grade II who shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with step advancements of fifteen dollars ($15) and sixteen dollars ($16) to a maximum of three hundred nineteen dollars ($319) monthly.

(c) Four deputy clerks grade III who shall receive a minimum salary of three hundred thirty-seven dollars ($337) monthly with step advancements of eighteen dollars ($18) and twenty dollars ($20) to a maximum of three hundred seventy-five dollars ($375) monthly.

(d) Two deputy clerks grade IV who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with step advancements of forty-five dollars ($45) and forty-nine dollars ($49) to a maximum of four hundred eighty-nine dollars ($489) monthly. A court employing three deputy clerks grade IV on May 1, 1953, may continue to employ three until there is a vacancy, after which the court may employ only two.

(e) One chief deputy clerk who shall receive a minimum salary of four hundred eighty-nine dollars ($489) monthly with step advancements of twenty-seven dollars ($27) and twenty-nine dollars ($29) to a maximum of five hundred forty-five dollars ($545) monthly.

One-judge district

72754. In each municipal court district having one judge authorized by law the officers and attaches shall be appointed and compensated as follows:

Clerk

There shall be one clerk, appointed by the judge of the court, who shall receive a minimum salary of five hundred forty-five dollars ($545) monthly with step advancements of thirty dollars ($30) and thirty-three dollars ($33) to a maximum of six hundred eight dollars ($608) monthly.

The clerk may appoint:

Deputy clerks

(a) Two deputy clerks grade I who shall receive a minimum salary of two hundred fifty-nine dollars ($259) monthly with step advancements of fourteen dollars ($14) and fifteen dollars ($15) to a maximum of two hundred eighty-eight dollars ($288) monthly.

(b) Two deputy clerks grade II who shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with step advancements of fifteen dollars ($15) and sixteen dollars ($16) to a maximum of three hundred nineteen dollars ($319) monthly.

(c) One deputy clerk grade III who shall receive a minimum salary of three hundred thirty-seven dollars ($337) monthly with step advancements of eighteen dollars ($18) and twenty dollars ($20) to a maximum of three hundred seventy-five dollars ($375) monthly.

(d) Two deputy clerks grade IV who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with step advancements of forty-five dollars ($45) and forty-nine dollars ($49) to a maximum of four hundred eighty-nine dollars ($489) monthly.

Three-step rate of compensation

72755. In those positions for which this article provides a three-step rate of compensation, the provisions of this section shall apply.

(a) Except in the case of transfer, demotion or promotion, original appointments to such positions shall be at the rate designated for the minimum salary.

(b) A step advancement from the minimum salary to the second step of a position shall be granted upon the completion of six months of continuous service in the same position. Upon the completion of one year of continuous service at the second step, a person shall advance to the third step and receive the third-step rate while serving in that same position.

(c) A step advancement shall not be granted to any person if his superior finds that his work has been unsatisfactory and so notifies the civil service commission.

(d) When a person is promoted to a position on a three-step basis, he shall receive the first-step rate in the salary schedule of the new position which results in an increase in salary.

(e) A person demoted to a lower position shall be entitled to receive whichever of the following rates is lower:

1. The third-step rate of the position to which he is demoted.

2. The same rate of pay which he was receiving prior to demotion.

(f) The appointing power who demotes a person for disciplinary reasons may specify any step rate in the three-step range of the lower position except that it shall not be higher than the step rate held by the employee in the higher position.

(g) If a person begins employment between the first and fifteenth of any calendar month, inclusive, his step advancement shall be calculated from the first day of that month. Where a person begins employment on or after the sixteenth day of a calendar month, the step advancement shall be calculated from the first of the next month.

(h) Upon demotion, a person shall retain the anniversary date held in the higher position.

(i) A person who is the incumbent of a position shall receive a salary, in no event less than he received in the same position immediately prior to the effective date of this article and shall receive credit for time heretofore served in his position in determining the step rate to which he is entitled under this article.

CHAPTER 1615

An act to amend Section 435 of the Education Code, relating to the salary of the superintendent of schools in a county of the thirty-fifth class.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 435 of the Education Code is amended to read:

Shasta County superintendent of Schools Salary

435. The annual salary of the county superintendent of schools of a county of the thirty-fifth 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 1616

An act to amend Sections 249.06 and 383.1 of the Vehicle Code, relating to refunds of caravan permit and registration fees.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 249.06 of the Vehicle Code is amended to read:

Permit fees

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 to the person paying the same upon application made within one year after the date of such payment.

SEC. 2. Section 383.1 of the Vehicle Code is amended to read:

Procedure for refund of fees

383.1. Procedure for Refund of Fees. (a) Whenever application is made by any person for the registration or transfer of registration of a vehicle or for any other privilege specified in this code and such application is accompanied by any fee which is excessive or not legally due, or whenever the department in consequence of any error either of fact or of law as to the proper amount of any fee or any penalty thereon or as to the necessity of obtaining a registration, transfer of registration or other privilege under this code collects any fee or penalty

which is excessive, erroneous or not legally due, the person who has paid any such erroneous or excessive fee or penalty, or his agent on his behalf, may apply for and receive a refund of the amount thereof as provided in this section.

(b) The applicant may within not more than one year from the date of payment of such erroneous or excessive fee or penalty present an application in writing to the department identifying the payment made and stating the grounds upon which it is claimed that such payment was excessive or erroneous.

(c) Whenever any fee or penalty subject to refund under the provisions of this section has not been paid into the State Treasury, the department shall refund the fee or penalty.

(d) Whenever any fee or penalty subject to refund under this section has been paid into the State Treasury to the credit, in whole or in part, of the Motor Vehicle Support Fund or of the Motor Vehicle Fund, the department shall prepare a claim setting forth the facts pertaining to the fee or penalty sought to be refunded and the Controller shall draw his warrant upon the fund or funds to which the fee or penalty was credited.

(e) This section shall be effective as a legislative appropriation of any and all amounts necessary to refund and repay any excessive or erroneous fees and penalties collected under this code and procedure herein prescribed shall be deemed a compliance with the requirements of the Political Code of this State in reference to the refund of excessive or erroneous fees or penalties paid to the Department of Motor Vehicles.

(f) The provisions of this section shall also apply in the event application has been made and fees have been paid for the registration of a vehicle which is not in fact operated upon the highways of this State, during the calendar year for which fees have been paid, but in such event application for refund shall be made within 60 days after the date such fees are paid to the department.

CHAPTER 1617

An act to amend Section 435 of the Streets and Highways Code, relating to state highways.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 435 of the Streets and Highways Code is amended to read:

435. Route 135 is from Route 10 near Hanford, thence southerly in the vicinity of Corcoran and via Sun Rise City to the junction of Route 33 and Route 139 near Wasco.

Route 135

CHAPTER 1618

An act to amend Sections 69673, 74132, 74133, 74134, 74135, and 74136 of the Government Code, relating to superior and municipal courts.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 69673 of the Government Code is amended to read:

Riverside County Superior Court judges Salaries

69673. The annual salary of each Judge of the Superior Court of the County of Riverside is fourteen thousand five hundred dollars ($14,500).

SEC. 2. Section 74132 of said code is amended to read:

Riverside County municipal court districts: Salaries Clerk

74132. There shall be one clerk, who shall receive a minimum monthly salary of two hundred ninety-five dollars ($295) with annual increments.

SEC. 3. Section 74133 of said code is amended to read:

74133. The clerk may appoint:

Deputy clerks

(a) Two deputy clerks (court), each of whom shall receive a minimum salary of two hundred forty-three dollars ($243) monthly with annual increments.

(b) One deputy clerk (senior), who shall receive a minimum salary of two hundred twenty dollars ($220) monthly with annual increments.

(c) Two deputy clerks (senior typists), each of whom shall receive a minimum salary of two hundred ten dollars ($210) monthly with annual increments.

(d) Three deputy clerks (typists), each of whom shall receive a minimum salary of one hundred ninety dollars ($190) monthly with annual increments.

SEC. 4. Section 74134 of said code is amended to read:

Marshal

74134. There shall be one marshal, who shall receive an annual salary of four thousand five hundred twelve dollars ($4,512).

SEC. 5. Section 74135 of said code is amended to read:

74135. The marshal may appoint:

Deputy marshals

(a) Three deputy marshals, each of whom shall receive a minimum salary of two hundred forty-three dollars ($243) monthly with annual increments.

Marshal's clerk

(b) One clerk, who shall receive a minimum salary of one hundred ninety dollars ($190) monthly with annual increments.

Custodians

(c) Six deputies (custodians) at the fee allowed by law for keeping property.

SEC. 6. Section 74136 of said code is amended to read:

Annual increments

74136. Each of the court attaches named in this article whose salaries are specified on a monthly basis shall receive annual increments at the rate of 5 percent 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.

CHAPTER 1619

An act to amend Section 73910 of, to repeal Sections 73911, 73912, 73913, 73914, 73915, 73916, and 73917 of, and to add Sections 73911, 73912, 73913, 73914, 73915, 73916, 73917, 73918, 73919, 73920, 73921, and 73922 to, the Government Code, relating to the constitution of a municipal court in a district embracing the City of Oakland and prescribing the number and compensation of the judges, officers, and attaches thereof.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 73910 of the Government Code is amended to read:

Oakland Municipal Court Salaries

73910. This article is applicable to the municipal court established in a district embracing the City of Oakland.

Repeals

SEC. 2. Sections 73911, 73912, 73913, 73914, 73915, 73916, and 73917 of the Government Code are hereby repealed.

SEC. 3. Section 73911 is added to the Government Code, to read:

Judges

73911. There shall be seven judges, each of whom shall receive the same annual salary as is now or hereafter prescribed for municipal judges in the City and County of San Francisco.

SEC. 4. Section 73912 is added to said code, to read:

Clerk

73912. There shall be one clerk, who shall receive a minimum salary of five hundred sixty-five dollars ($565) monthly, with semiannual increments of thirty dollars ($30), and thirty-one dollars ($31), and annual increments thereafter of thirty-four dollars ($34), and thirty-six dollars ($36), to a maximum of six hundred ninety-six dollars ($696) monthly.

SEC. 5. Section 73913 is added to said code, to read:

73913. The clerk may appoint:

Deputy clerks

(a) One deputy clerk (chief of civil division) who shall receive a minimum salary of five hundred nine dollars ($509) monthly, with semiannual increments of twenty-seven dollars ($27), and twenty-nine dollars ($29), and annual increments thereafter of thirty dollars ($30), and thirty-one dollars ($31), to a maximum of six hundred twenty-six dollars ($626) monthly.

(b) Six deputy clerks, each of whom shall receive a minimum salary of four hundred fourteen dollars ($414) monthly, with semiannual increments of twenty-two dollars ($22), and twenty-three dollars ($23), and annual increments thereafter of twenty-five dollars ($25), and twenty-five dollars ($25), to a maximum of five hundred nine dollars ($509) monthly.

(c) Ten deputy clerks, each of whom shall receive a minimum salary of three hundred twenty-three dollars ($323)

monthly, with semiannual increments of sixteen dollars ($16), and seventeen dollars ($17), and annual increments thereafter of nineteen dollars ($19), and nineteen dollars ($19), to a maximum of three hundred ninety-four dollars ($394) monthly.

(d) Seven deputy clerks, each of whom shall receive a minimum salary of two hundred ninety-one dollars ($291) monthly, with semiannual increments of fifteen dollars ($15), and seventeen dollars ($17), and annual increments thereafter of sixteen dollars ($16), and seventeen dollars ($17), to a maximum of three hundred fifty-six dollars ($356) monthly.

(e) Ten deputy clerks, each of whom shall receive a minimum salary of two hundred seventy-six dollars ($276) monthly, with semiannual increments of fifteen dollars ($15), and fifteen dollars ($15), and annual increments thereafter of seventeen dollars ($17), and sixteen dollars ($16), to a maximum of three hundred thirty-nine dollars ($339) monthly.

(f) Nine deputy clerks, each of whom shall receive a minimum salary of two hundred fifty dollars ($250) monthly, with semiannual increments of fourteen dollars ($14), and twelve dollars ($12), and annual increments thereafter of fifteen dollars ($15), and fifteen dollars ($15), to a maximum of three hundred six dollars ($306) monthly.

SEC 6 Section 73914 is added to said code, to read:

73914. The clerk may also appoint:

Legal stenographer

(a) One legal stenographer, who shall receive a minimum salary of two hundred ninety-one dollars ($291) monthly, with semiannual increments of fifteen dollars ($15), and seventeen dollars ($17), and annual increments thereafter of sixteen dollars ($16), and seventeen dollars ($17), to a maximum of three hundred fifty-six dollars ($356) monthly.

Bookkeeper

(b) One bookkeeper, who shall receive a minimum salary of two hundred sixty-four dollars ($264) monthly, with semiannual increments of twelve dollars ($12), and fifteen dollars ($15), and annual increments thereafter of fifteen dollars ($15), and seventeen dollars ($17), to a maximum of three hundred twenty-three dollars ($323) monthly.

Stenographer

(c) Two stenographers, each of whom shall receive a minimum salary of two hundred sixty-four dollars ($264) monthly, with semiannual increments of twelve dollars ($12), and fifteen dollars ($15), and annual increments thereafter of fifteen dollars ($15), and seventeen dollars ($17), to a maximum of three hundred twenty-three dollars ($323) monthly.

Typist-clerks

(d) Five typist-clerks, each of whom shall receive a minimum salary of two hundred thirty-eight dollars ($238) monthly, with semiannual increments of twelve dollars ($12), and fourteen dollars ($14), and annual increments thereafter of twelve dollars ($12), and fifteen dollars ($15), to a maximum of two hundred ninety-one dollars ($291) monthly.

File clerk

(e) One file clerk, who shall receive a minimum salary of two hundred thirty-eight dollars ($238) monthly, with semiannual increments of twelve dollars ($12), and fourteen dollars

($14), and annual increments thereafter of twelve dollars ($12), and fifteen dollars ($15), to a maximum of two hundred ninety-one dollars ($291) monthly.

SEC. 7. Section 73915 is added to said code, to read:

73915. Where the titles of positions in effect immediately prior to the ninety-first day after the final adjournment of the 1953 Regular Session of the Legislature are changed, such positions shall be grouped under titles enumerated in Sections 73912 and 73913, as follows: Change of titles

(a) The position of clerk at a minimum salary of five hundred sixty-five dollars ($565) monthly shall include the former position of chief clerk Clerk

(b) The position of deputy clerk (chief of civil division) at a minimum salary of five hundred nine dollars ($509) monthly shall include the former position of senior deputy clerk in the civil division at five hundred dollars ($500) monthly. Deputy clerks

(c) The positions of deputy clerk at a minimum salary of four hundred fourteen dollars ($414) monthly shall include the former positions of senior deputy clerk in the criminal division, senior deputy clerk (cashier-bookkeeper) in the office of bail and fines, and senior deputy clerk in the civil division at four hundred fifty dollars ($450) monthly.

(d) The positions of deputy clerk at a minimum salary of three hundred twenty-three dollars ($323) monthly shall include the former positions of deputy assistant clerk at three hundred fifty dollars ($350) monthly in the criminal division and the positions of deputy clerk at three hundred fifty dollars ($350) monthly in the civil division.

(e) The positions of deputy clerk at a minimum salary of two hundred ninety-one dollars ($291) monthly shall include the former positions of deputy clerk at three hundred dollars ($300) monthly in the office of bail and fines.

(f) The positions of deputy clerk at a minimum salary of two hundred seventy-six dollars ($276) monthly shall include the former positions of deputy assistant clerk at three hundred twenty-five dollars ($325) monthly in the criminal division, the former positions of deputy clerk at two hundred seventy-five dollars ($275) monthly in the office of bail and fines, and two of the former positions of deputy clerk at two hundred fifty-five dollars ($255) monthly in the civil division.

(g) The position of deputy clerk at a minimum salary of two hundred fifty dollars ($250) monthly shall include the former positions of deputy clerk at two hundred fifty-five dollars ($255) monthly in the office of bail and fines and four of the positions of deputy clerk at two hundred fifty-five dollars ($255) monthly in the civil division.

SEC. 8. Section 73916 is added to said code, to read:

73916. The sheriff and his deputies shall act ex officio as the marshal and deputy marshals of the court Sheriff and deputies

SEC. 9. Section 73917 is added to said code, to read:

73917. One person employed as a bookkeeper by the Auditor of the County of Alameda and heretofore assigned to work in Bookkeeper

the court shall fill the position of bookkeeper provided in Section 73914 with the same civil service tenure and credit for continuous prior service in the office of the auditor.

SEC. 10. Section 73918 is added to said code, to read:

Change of previous compensation

73918. Each employee whose compensation immediately prior to the ninety-first day after the final adjournment of the 1953 Regular Session of the Legislature was on a single rate of compensation, shall be paid at the lowest rate now provided for his position which shows no reduction from his previous salary, plus one additional increment, and on September 1, 1954, and September 1st of each succeeding year shall receive the additional increments provided until he reaches the maximum rate provided for his position.

SEC. 11. Section 73919 is added to said code, to read:

73919. Each employee whose compensation immediately prior to the ninety-first day after the final adjournment of the 1953 Regular Session of the Legislature was on a five-step rate shall receive in addition to the minimum salary for his position the increments to which his length of service in this and superseded courts entitles him.

SEC. 12. Section 73920 is added to said code, to read:

Clerk or attache changing position

73920 If a clerk or attache of the court changes his position to another position of higher salary schedule, he shall receive the lowest amount provided in the compensation range for the new position which is at least one increment higher than the amount he was receiving in the former position.

SEC. 13. Section 73921 is added to said code, to read:

Prior continuous service

73921. Persons appointed to positions in the court immediately following employment in positions in other municipal courts in the County of Alameda, or in positions in the classified service of the county as set forth in the county charter, shall receive credit for prior continuous service in such positions.

SEC. 14. Section 73922 is added to said code, to read:

Special assignment or branch of work

73922. Whenever a special assignment or branch of work is indicated herein for a particular deputy or position, the assignment so designated is not intended to be exclusive, but merely to designate the principal work incident to such deputy or position. However, in order to equalize the work of the office of the clerk and to render prompt and efficient service to the public, it shall be the duty of each deputy clerk or attache to perform such service as may be directed by the clerk, whether the work so directed to be done be within the scope of the special designation or not The clerk shall have the power to lay off any employee because of lack of the type of work which such employee was appointed to perform.

CHAPTER 1620

An act to amend Sections 73301, 74602, and 74603 of, and to add Section 74606 to, the Government Code, relating to the San Leandro-Hayward Municipal Court District.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 73301 of the Government Code is amended to read:

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, 29, 31, and 32 of this chapter.

SEC. 2. Section 74602 of said code is amended to read:

San Leandro-Hayward Municipal Court District Salaries Clerk

74602. There shall be one clerk who shall receive a minimum salary of five hundred nine dollars ($509) monthly, with semiannual increments of twenty-seven dollars ($27) and twenty-nine dollars ($29), and annual increments of thirty dollars ($30) and thirty-one dollars ($31), to a maximum of six hundred twenty-six dollars ($626) monthly.

SEC. 3. Section 74603 of said code is amended to read:

74603. The clerk may appoint:

Deputy clerks

(a) One chief deputy who shall receive a minimum salary of three hundred seventy-five dollars ($375) monthly, with semiannual increments of nineteen dollars ($19) and twenty dollars ($20), with annual increments of twenty-two dollars ($22) and twenty-three dollars ($23), to a maximum of four hundred fifty-nine dollars ($459) monthly.

(b) Nine deputy clerks, each of whom shall receive a minimum salary of two hundred seventy-six dollars ($276) monthly, with semiannual increments of fifteen dollars ($15) and fifteen dollars ($15), and annual increments of seventeen dollars ($17) and sixteen dollars ($16), to a maximum of three hundred thirty-nine dollars ($339) monthly; provided, however, that any such deputy clerk who has rendered continuous service in the municipal court, the justice court superseded by such court, and in the civil service of the county for a total of at least five years shall receive four hundred forty-four dollars ($444) monthly for the months of October, November and December of 1953 and January, February and March of 1954, and thereafter shall receive three hundred thirty-nine dollars ($339) monthly.

SEC. 4. Section 74606 is added to said code, to read:

Credit for continuous prior service

74606. Persons who succeed to positions in the municipal court upon its establishment shall receive credit for continuous prior service in superseded courts, in the civil service of the county rendered immediately preceding the continuous prior service in the superseded courts, and in the sheriff's department or constabulary of the county, and shall receive, in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set, but in no event shall any such person receive less than received by him in the superseded court.

Clerk or attache changing position

If a clerk or attache of the court changes his position to another position of higher salary schedule, he shall receive the lowest amount provided in the compensation range for the new position which is at least one increment higher than the amount he was receiving in the former position.

Persons appointed to positions in the court immediately following employment in positions in other municipal courts in the County of Alameda, or in positions in the classified service of the county as set forth in the county charter, shall receive credit for prior continuous service in such positions.

CHAPTER 1621

An act providing for the constitution of the municipal court in the district known and designated as the Central Judicial District of Marin County and prescribing the number and compensation of the judges, officers and attaches thereof, and in relation thereto amending Sections 73301, 73771, 73772 and 73773 of, and adding Sections 73776, 73777, 73778, 73779 and 73780 to, the Government Code.

In effect September 9, 1953

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 73771 of the Government Code is amended to read:

Central Judicial District of Marin County Salaries: Judges

73771. There shall be two judges, each of whom shall receive twelve thousand four hundred forty-eight dollars ($12,448) annually.

SEC. 2. Section 73772 of said code is amended to read:

Clerk

73772. There shall be one clerk, who shall be secretary of the court and who shall receive a minimum salary of four hundred twenty-six dollars ($426) monthly, with annual increments of twenty-four dollars ($24), twenty-six dollars ($26), twenty-seven dollars ($27), and twenty-nine dollars ($29) to a maximum of five hundred thirty-two dollars ($532) monthly.

SEC. 3. Section 73773 of said code is amended to read:

73773. The clerk may appoint:

Accountant clerk

(a) One (1) accountant clerk, who shall receive a minimum salary of three hundred forty-one dollars ($341) with annual

increments of nineteen dollars ($19), twenty-one dollars ($21), twenty-two dollars ($22), and twenty-three dollars ($23) to a maximum of four hundred twenty-six dollars ($426) monthly.

Deputy clerks

(b) Three deputy clerks, each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly, with annual increments of seventeen dollars ($17), seventeen dollars ($17), nineteen dollars ($19), and nineteen dollars ($19) to a maximum of three hundred sixty dollars ($360) monthly.

(c) Four deputy clerks, each of whom shall receive a minimum salary of two hundred fifty-eight dollars ($258) monthly, with annual increments of fifteen dollars ($15), fifteen dollars ($15), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of three hundred twenty-two dollars ($322) monthly.

(d) Two (2) deputy clerks each of whom shall receive a minimum salary of two hundred thirty-one dollars ($231) monthly, with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of two hundred eighty-eight dollars ($288) monthly.

SEC. 4. Section 73776 is added to said code, to read:

Credit for continuous prior service

73776. Persons who succeed to positions in the municipal court under the provisions of the Municipal and Justice Court Act of 1949 or the provisions of law succeeding that act and persons appointed to positions in the municipal court from other employment by the County of Marin shall receive credit for continuous prior service in superseded courts or other county service, 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 forth in this article.

SEC. 5. Section 73777 is added to said code, to read:

Allocation of increments to clerk

73777. The allocation of the increments set forth in this article to the clerk of the court on the effective date of this section shall be determined from the clerk's total years of service as clerk in the municipal and in any superseded court.

SEC. 6. Section 73778 is added to said code, to read:

Allocation of ranges and increments to clerk's appointees

73778. The allocations of the ranges and increments for the persons appointed by the clerk pursuant to this article on the effective date of this section shall be made, subject to the provisions of this article, by the clerk, with the approval of the judges, or, in the event they are unable to agree, of the judge senior in service.

SEC. 7. Section 73779 is added to said code, to read:

Equalizing compensation

73779. Notwithstanding the provisions of Article 4 of Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the clerk of the court with the approval of the judges of the court and the Board of Supervisors of the County of Marin, an officer or an attache of the court, whether appointed under the provisions of this article or under Article 4 of Chapter 8 of this

title, may be paid any compensation, which is within the ranges and increments set forth in this article, in excess of the maximum to which such employee would otherwise be entitled, provided, however, that nothing contained in this section shall deprive any officer or attache of the municipal court of the maximum salary to which he would otherwise be entitled under the other provisions of this article and Article 4 of Chapter 8 of this title; and provided further, that any such salary adjustment shall not extend longer than ninety (90) days after the adjournment of the next regular session of the Legislature.

SEC. 8. Section 73780 is added to said code, to read:

Application by city for clerk

73780. In addition to the deputy clerks for which provision is made in this article, upon application of any city within the Central Judicial District of Marin County, and 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, the clerk may appoint the nominee of such city a deputy clerk to perform such clerical functions as may be delegated by the clerk. The compensation, if any, of any deputy clerk appointed under this section shall not be a charge under Section 71220 of this code, but such appointment shall be solely for the convenience and at the expense of the city.

SEC. 9. Section 73301 of said code is amended to read:

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, 13, 15, 18, 22, 23, 27, 29, 31, and 32 of this chapter.

CHAPTER 1622

An act to amend Sections 73301, 73342, and 73343 of, and to add Sections 73346 and 73347 to, the Government Code, relating to the officers and attaches of the municipal court in a district embracing the City of Alameda.

In effect September 9, 1953

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 73301 of the Government Code is amended to read:

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 3, 5, 7, 12, 13, 15, 18, 22, 23, 27, 29, 31, and 32 of this chapter.

SEC. 2. Section 73342 of said code is amended to read:

Alameda Municipal Court Salaries Clerk

73342. There shall be one clerk who shall receive a minimum salary of three hundred seventy-five dollars ($375) monthly, with semiannual increments of nineteen dollars ($19) and twenty dollars ($20), and annual increments thereafter of twenty-two dollars ($22) and twenty-three dollars ($23), to a maximum of four hundred fifty-nine dollars ($459) monthly.

SEC. 3. Section 73343 of said code is amended to read:

73343. The clerk may appoint:

Deputy clerks

Two chief deputy clerks, each of whom shall receive a minimum salary of three hundred twenty-three dollars ($323) monthly, with semiannual increments of sixteen dollars ($16) and seventeen dollars ($17), and annual increments thereafter of nineteen dollars ($19) and nineteen dollars ($19), to a maximum of three hundred ninety-four dollars ($394) monthly;

Two deputy clerks who shall receive a minimum salary of two hundred seventy-six dollars ($276) monthly, with semiannual increments of fifteen dollars ($15) and fifteen dollars ($15), and annual increments thereafter of seventeen dollars ($17) and sixteen dollars ($16), to a maximum of three hundred thirty-nine dollars ($339) monthly; and

One deputy clerk who shall receive a minimum salary of two hundred fifty dollars ($250) monthly, with semiannual increments of fourteen dollars ($14) and twelve dollars ($12), and annual increments thereafter of fifteen dollars ($15), and fifteen dollars ($15), to a maximum of three hundred six dollars ($306) monthly.

SEC. 4. Section 73346 is added to said code, to read:

Credit for continuous prior service

73346. All persons employed by the court on the effective date of this section shall receive credit for prior continuous service in this court and in courts superseded by it.

Clerk or attache changing position

If a clerk or attache of the court changes his position to another position of higher salary schedule, he shall receive the lowest amount provided in the compensation range for the new position which is at least one increment greater than the amount he was receiving in the former position.

Persons appointed to positions in the court immediately following employment in positions in other municipal courts in the County of Alameda, or in positions in the classified service of the county as set forth in the county charter, shall receive credit for prior continuous service in such positions.

SEC. 5. Section 73347 is added to said code, to read:

Change of compensation

73347. Each employee whose compensation immediately prior to the ninety-first day after the final adjournment of the 1953 Regular Session of the Legislature, was on a single rate of compensation, shall be paid at the lowest rate now provided for his position which shows no reduction from his previous salary.

CHAPTER 1623

An act to amend Sections 73301, 73482 and 73483 of, and to add Sections 73480.1 to, the Government Code, relating to municipal courts.

In effect September 9, 1953

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 73301 of the Government Code is amended to read:

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 3, 7, 12, 13, 15, 18, 22, 23, 29, 31, and 32 of this chapter.

SEC. 2. Section 73480 1 is added to said code, to read:

73480.1. Persons who succeed 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 but in no event shall any such person receive less than received by him in the superseded courts. All persons holding positions as deputy clerks prior to the amendment of Section 73483 as enacted during the 1953 Regular Session of the Legislature shall be assigned by the clerk to positions created by such an amendment without examination.

SEC. 3. Section 73482 of said code is amended to read:

Berkeley and Albany Municipal Court Salaries Clerk

73482. There shall be one clerk who shall receive six hundred fifty dollars ($650) a month.

SEC. 4. Section 73483 of said code is amended to read:

73483. The clerk may appoint:

Deputy clerks

(a) Three chief deputies, each of whom shall receive a minimum salary of three hundred fifty-five dollars ($355) monthly during the first year of such service with annual increments per month of fifteen dollars ($15), fifteen dollars ($15), and twenty dollars ($20) for each year of service thereafter to a maximum of four hundred five dollars ($405) monthly.

(b) Six deputy clerks, each of whom shall receive a minimum salary of three hundred dollars ($300) monthly during the first year of such service with annual increments per month of fifteen dollars ($15), fifteen dollars ($15), and twenty dollars ($20) for each year of service thereafter to a maximum of three hundred fifty dollars ($350) monthly.

(c) Three deputy clerks, each of whom shall receive a minimum salary of two hundred forty-five dollars ($245) monthly during the first year of such service with annual increments per month of fifteen dollars ($15), fifteen dollars ($15), and twenty dollars ($20) for each year of service thereafter to a maximum of two hundred ninety-five dollars ($295) monthly.

CHAPTER 1624

An act to amend Section 9028 of the Business and Professions Code, relating to social workers.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 9028 of the Business and Professions Code is amended to read:

9028. The board may suspend or revoke the certificate of any registrant if:

Revocation of certificate

(a) He is convicted of an offense involving moral turpitude.

(b) He uses intoxicating liquor or narcotic or hypnotic drugs to such an extent that in his activities as a social worker he is likely to endanger the health, welfare, or safety of the public.

(c) He is declared insane or incompetent.

(d) He advocates the overthrow of the government by force and violence or other unlawful means.

(e) He has committed a dishonest or fraudulent act as a social worker resulting in substantial injury to another.

CHAPTER 1625

An act to add Chapter 22 to Division 3 of the Education Code, relating to the retirement of bonds for school district public works and creating the School Bond Retirement Fund.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 22 is added to Division 3 of the Education Code, to read:

CHAPTER 22. THE SCHOOL BOND RETIREMENT FUND

7920. There is hereby created in the State Treasury the School Bond Retirement Fund. The money in such fund is appropriated for the payment and retirement of state school

School Bond Retirement Fund

building aid bonds issued pursuant to Sections 15 and 16.5 of Article XVI of the California Constitution.

Transfer to General Fund

7921. Each fiscal year, the Controller shall compute, and as soon thereafter as practicable shall transfer to the General Fund, a percentage of the total amount deposited in the School Bond Retirement Fund pursuant to law which is equal to the percentage which the total amount of bonds issued which are redeemed or to be redeemed in such fiscal year is of the total amount of bonds issued.

Disposition of surplus money

7922. Any surplus money in the School Bond Retirement Fund shall be invested and reinvested by the Director of Finance in bonds or other obligations of the United States, or of the State of California, or of the several counties, municipalities, school districts, or the public agencies of the State of California, and the director may sell such bonds, or obligations, or any of them at the governing market rates. The interest or increment accruing from such investment or reinvestment shall be deposited in the General Fund.

CHAPTER 1626

An act to amend Section 20432 of the Education Code, relating to state colleges.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 20432 of the Education Code is amended to read:

Exclusion of students

20432. The Director of Education may on recommendation of the faculty and president of a college exclude students who, because of poor scholarship or other evidence of unfitness, are judged incapable of completing the college course or who violate in any substantial manner generally accepted standards of conduct.

CHAPTER 1627

An act to add Sections 10324.5, 10506.5, and 18942.5 to the Education Code, all relating to the qualifications of persons performing services for county superintendents of schools.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 10324.5 is added to the Education Code, to read:

10324.5. The service described in Section 10324, except clerical, accounting, and stenographic service, shall be performed by a person or persons possessing a valid credential of one or more of the following types, issued by the State Board of Education: Credential necessary

(a) Elementary school administration credential.

(b) Elementary school supervision credential.

(c) Special subject supervision credential.

(d) A credential which authorizes service similar to that authorized by one or more of the foregoing types of credential.

Any person who is employed in the office of a county superintendent of schools on the effective date of this section and is performing any of the services described herein may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

SEC. 2. Section 10506.5 is added to said code, to read:

10506.5. The service described in Section 10506, except clerical, accounting, and stenographic service, shall be performed by a person or persons possessing a valid credential of one or more of the following types issued by the State Board of Education:

(a) Secondary school administration credential.

(b) Secondary school supervision credential.

(c) Special subject supervision credential.

(d) A credential which authorizes service similar to that authorized by one or more of the foregoing types of credential.

Any person who is employed in the office of a county superintendent of schools on the effective date of this section and is performing any of the services described herein may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

SEC. 3. Section 18942.5 is added to said code, to read:

18942.5. The service described in Section 18941, except clerical, accounting, and stenographic service, shall be performed by a person or persons possessing a valid credential issued by the State Board of Education of one or more of the types specified in Section 10324.5. The service described in Section 18942, except clerical, accounting, and stenographic service shall be performed by a person or persons possessing a valid credential issued by the State Board of Education of one or more of the types specified in Section 10506.5.

Any person who is employed in the office of a county superintendent of schools on the effective date of this section and is performing any of the services described herein may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

CHAPTER 1628

An act to amend Section 20373 of, and to add Section 21126.5 to, the Education Code, relating to state employees.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 20373 of the Education Code is hereby amended to read:

Duties of presidents, teaching staff, etc

20373 The duties of all presidents, members of teaching staff, officers and employees of state colleges shall be prescribed and fixed by the director, subject to the approval of the State Board of Education. The State Personnel Board shall establish and adjust the salaries of all presidents, members of teaching staff, officers and employees of state colleges in the same manner and following the same procedures as in the establishment and adjustment of state civil service salaries. Any professors or instructors of military science and tactics courses in charge of any R. O. T. C. units which are established in any state college are not, for the purpose of this article, considered as members of a faculty or teaching staff in the state college, but have the status and prerogatives in respect to the respective faculties of the state colleges in which R. O. T. C. units are established, of similar professors or instructors in respect to the faculty of the University of California.

SEC. 2. Section 21126.5 is added to the Education Code, to read:

Salaries of superintendent, etc., of California Maritime Academy

21126.5. The State Personnel Board shall establish and adjust the salaries of the superintendent, members of the teaching staff, officers and employees of the California Maritime Academy in the same manner and following the same procedures as in the establishment and adjustment of state civil service salaries.

CHAPTER 1629

An act to amend Section 20383.5 of the Education Code, relating to leaves of absence of state college employees.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 20383.5 of the Education Code is hereby amended to read:

Assistant professor Class 3· Leave of absence

20383.5. A member of the faculty of a state college having a rank not lower than that of assistant professor Class 3, or the equivalent thereof in the case of a state college not ranking the members of its faculty on a professorial scale, and eligible

for a leave of absence under this article, may be granted a leave of absence for six months with full pay or a leave of absence for one year with one-half pay for the purpose of such study as the Director of Education shall approve.

Limitations

No leave of absence shall be granted to any faculty member under this section who has not been employed full-time for at least six consecutive years in a state college, and not more than one such leave of absence shall be granted in each six-year period. Not more than 5 percent of the eligible faculty of any state college as defined in this section shall be granted leaves of absence in any one year; provided, however, a minimum of one faculty member of each college shall be eligible for a leave of absence. Whenever the 5 percent computation results in a fraction of 50 percent or more of a faculty member being eligible a faculty member shall be eligible for such fraction. The computation of the total number eligible for leave shall be made on July 1st each fiscal year.

CHAPTER 1630

An act to amend Section 20502 of the Education Code, relating to the purchase of equipment in state colleges.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 20502 of the Education Code is amended to read:

Purchase of apparatus, etc.

20502 The Director of Education shall provide for the purchase of apparatus, furniture, equipment, stationery, and textbooks for the use of the students of state colleges. The provisions of Article 1 of Chapter 4 of Division 5 of Title 1 of the Government Code shall not apply to the purchase of musical instruments made pursuant to this section.

CHAPTER 1631

An act to amend Sections 419, 421, 422.1, and 422.3 of the Vehicle Code, relating to persons subject to the security following accident law, and releases thereunder.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 419 of the Vehicle Code is amended to read:

Accident report

419. Report of Accident Required. Reports and Records Not to Be Evidence in Civil Suits. (a) The driver of every

motor vehicle which is in any manner involved in an accident originating from the operation of a motor vehicle on any street or highway within this State which accident has resulted in damage to the property of any one person in excess of one hundred dollars ($100) or in bodily injury or in the death of any person shall within 15 days after such accident report the accident on a form approved by the department to the office of the department at Sacramento, subject to the following provisions. In the event an involved vehicle was a driverless runaway vehicle, then the registered owner of such vehicle shall be construed to have been the driver of the vehicle for the purposes of this chapter; provided, the vehicle was parked with the express or implied permission of the owner. In the event the driver at the time of an accident was driving a motor vehicle owned, operated, or leased by the employer of such driver and with the permission of the employer, then such driver shall within five days after the accident report the accident to his employer on a form approved by the employer and said employer shall within 10 days after receipt of said report transmit a report on a form approved by the department to the office of the department at Sacramento, except that an employer need not transmit such report to the department when the vehicle involved in the accident is owned or operated as described in Section 422.1 or 422.4 or is owned or operated by any person or corporation who has filed with the department a certificate of an insurance carrier or bonding company that there is in effect a policy or bond meeting the requirements of Section 422.6 and when such insurance policy or bond was in full force and effect in respect to such vehicle at the time of the accident.

Driver physically incapable

(b) If any driver be physically incapable of making such report, and is not the owner of the motor vehicle involved in such accident then the owner shall, as soon as he learns of the accident, report the matter in writing to the department. The driver or the owner shall make such other and additional reports relating to such accidents as the department shall require.

Suspension of license

(c) The department may suspend the driving privilege and any licenses evidencing such privilege of any person who wilfully fails, refuses, or neglects to make report of an accident as herein required.

Not evidence in civil suits

(d) Neither the report required by this section, the action taken by the department pursuant to this chapter, the findings if any of the department upon which action is based, nor the security filed as provided in this chapter shall be referred to in any way, or be any evidence of the negligence or due care of any party, at the trial of any action at law to recover damages.

Reports confidential

(e) All reports and supplemental reports required by this chapter including insurance information forms and the total amounts of security required for deposit as determined by the department from such reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department of Motor Vehicles and any other state department needing the same, except that the Department of Motor

Exceptions

Vehicles shall disclose from such reports and security deposit records:

(1) The names and addresses of persons involved in the accident.

(2) The registration numbers and descriptions of vehicles involved in the accident.

(3) The date, time and location of the accident.

(4) The exemption from security requirement which has been established under Section 422.

(5) That security has been deposited or that suspension action has been taken by the department.

This information may be given to any person having a proper interest therein including:

(1) The driver or drivers involved, or the employer, parent or legal guardian thereof.

(2) The authorized representative of any person involved in the accident.

(3) Any person injured in the accident.

(4) The owners of vehicles or property damaged in the accident.

SEC. 2. Section 421 of the Vehicle Code is amended to read:

421. Suspensions. (a) Whenever the driver has failed within 50 days after an accident to establish his exemption from security, as provided in Section 422, and has failed to deposit security, as required by Section 420 within 10 days after notice by the department specifying the amount of security, the department shall suspend the privilege of such driver to drive a motor vehicle in the State of California including his driving privilege as a nonresident and also any operator's or chauffeur's licenses evidencing the privilege of driving a motor vehicle. The suspension shall become effective not later than the seventy-sixth day after receipt of the accident report by the department. License suspensions

The privilege of a person to drive as a chauffeur in the course of his employment shall not be suspended under this chapter even though his privilege to drive is otherwise suspended under this chapter. Exception

(b) The privilege of driving a motor vehicle and all licenses evidencing such privilege suspended as hereinabove provided shall remain so suspended and shall not be renewed nor shall any such license be issued to such person until: Removal of suspension

(1) Such person has complied with the requirements of Section 422 or

(2) Such person shall deposit or there shall be deposited on his behalf the security required under Section 420 or

(3) One year shall have elapsed following the date of such accident and evidence satisfactory to the department has been filed with it that during such period no action at law for damages arising out of such accident has been instituted, and is pending.

(c) Whenever the department has taken any action or has failed to take any action under this chapter by reason of having received erroneous information, or by reason of having received no information, then upon receiving correct information the Action upon erroneous information

department shall take appropriate action to carry out the purposes and effect of this chapter. The provisions of this subsection shall not, however, be deemed to require the department to increase the amount of any deposit after it has been ordered under this chapter.

Suspension by other state

(d) The department shall suspend the driving privilege of any resident of this State and all licenses evidencing such privilege upon receiving notice from another state that such person's driving privilege in that state has been suspended for failure to meet the security provisions of the law in that state, (provided that the suspension in that state was taken on the same grounds that would have resulted in a suspension in this State).

SEC. 3. Section 422.1 of the Vehicle Code is amended to read:

Exemptions: Publicly owned vehicles

422.1. Publicly Owned Vehicles. Exemption may be established under Section 422 by filing a report indicating:

(a) That the motor vehicle involved in the accident was owned or leased by or under the direction of the United States, this State, or any political subdivision of this State or municipality thereof.

SEC. 4. Section 422.3 of the Vehicle Code is amended to read:

Releases, judgments, and settlement agreements

422.3. Releases, Judgments and Settlement Agreements. Exemption may be established under Section 422 by filing evidence satisfactory to the department:

(a) That the driver has been released from liability by all other persons injured or damaged in the accident. A covenant not to sue shall relieve the parties thereto as to each other from the security requirements of this chapter. The department may accept, for the purposes of this chapter only, evidence of a release from liability executed by a natural guardian or a legal guardian on behalf of a minor without the approval of any court or judge.

(b) That all judgments that may arise out of damages or injuries sustained in the accident have been rendered in favor of the driver or have been satisfied by him.

(c) That a duly acknowledged settlement agreement with respect to all damages or injuries arising out of the accident has been executed by the driver. In the event of a default in any payment under such an agreement, and upon notice of such default, the department shall forthwith suspend the driving privilege of the person defaulting, including all licenses evidencing such privilege, and the privilege or licenses shall not be restored unless and until:

(1) Such driver deposits and thereafter maintains security as required under Section 420 in such amount as the department may then determine, or

(2) One year shall have elapsed following the date when such security was required and during such period no action at law upon such agreement has been instituted and is pending.

(d) The department may accept evidence of a payment to a driver or owner of a vehicle involved in any accident by the insurance carrier of any other person involved in such accident on account of damage to property or bodily injury as effective to relieve such driver or owner from the security and suspension provisions of this chapter in respect to any claim for property damage or bodily injury arising out of the accident by the person on whose behalf such payment was made. A payment to the insurance carrier of the driver or owner under its right of subrogation shall be the equivalent of a payment to such driver or owner.

CHAPTER 1632

An act to add Chapter 2 to Division 7 of the Education Code, and to add Section 11130.5 to said code, and to amend Sections 13521 and 13526 of said code, relating to school district employees.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Chapter 2 is added to Division 7 of the Education Code, to read:

CHAPTER 2. COMMUNIST PARTY MEMBERSHIP FORBIDDEN

12600. The Legislature of the State of California finds that:

Legislative findings

(a) There exists a world-wide revolutionary movement to establish a totalitarian dictatorship based upon force and power rather than upon law.

(b) This world-wide revolutionary movement is predicated upon and it is designed and intended to carry into execution the basic precepts of communism as expounded by Marx, Lenin, and Stalin.

(c) Pursuant to the objectives of the world communism movement, in numerous foreign countries the legally constituted governments have been overthrown and totalitarian dictatorships established therein against the will of the people, and the establishment of similar dictatorships in other countries is imminently threatening. The successful establishment of totalitarian dictatorships has consistently been aided, accompanied, or accomplished by repeated acts of treachery, deceit, teaching of false doctrines, teaching untruth, together with organized confusion, insubordination, and disloyalty, fostered, directed, instigated, or employed by communist organizations and their members in such countries.

(d) Within the boundaries of the State of California there are active disciplined communist organizations presently functioning for the primary purpose of advancing the objectives of the

world communism movement, which organizations promulgate, advocate, and adhere to the precepts and the principles and doctrines of the world communism movement. These communist organizations are characterized by identification of their programs, policies, and objectives with those of the world communism movement, and they regularly and consistently cooperate with and endeavor to carry into execution programs, policies, and objectives substantially identical to programs, policies, and objectives of such world communism movement.

(e) One of the objectives of the world communism movement is to place its members in local government positions and in the public school system. If this objective is successful, propaganda can be disseminated by the members of these organizations among public school pupils by those members who would have the opportunity to teach them and to whom, as teachers, they would look for guidance, authority, and leadership. The members of such groups would use their positions to advocate and teach their doctrines and teach the prescribed Communist Party line group dogma or doctrine without regard to truth or free inquiry. This type of propaganda is sufficiently subtle to escape detection in the classroom.

There is a clear and present danger, which the Legislature of the State of California finds is great and imminent, that in order to advance the program, policies and objectives of the world communism movement, communist organizations in the State of California and their members will engage in concerted effort to hamper, restrict, interfere with, impede, or nullify the efforts of the governing boards of school districts to comply with and enforce Section 8275 of the Education Code of the State of California which prohibits the advocacy or teaching of communism with the intent to indoctrinate any pupil with or inculcate a preference in the mind of any pupil for communism for the purpose of undermining the patriotism for and the belief in the Government of the United States and of the State of California in the minds of the pupils of the Public School System.

The Legislature specifically finds that the requirement that all persons (certificated or noncertificated) now employed by the school districts of this State, or hereafter making application for employment by any of such districts, shall declare under oath that they are not knowingly members of the Communist Party, is a reasonable measure to meet the clear and present danger hereinabove found.

The Legislature further specifically finds that an indirect or evasive answer to a question relating to any of the matters specified in Section 12604 or 12605, or an answer which neither affirms nor denies shall, for the purposes of this act and chapter, be considered as a failure and refusal to answer, regardless of the ground or explanation given for any such answer.

School district employees.

Oath

12601. No person who is knowingly a member of the Communist Party shall hereafter be employed by, or, except as provided in Section 12602, retained in the employment of, any school district. Prior to the first day of service as an employee

of any school district, the applicant shall state under oath whether or not he is knowingly a member of the Communist Party. If the applicant states that he is knowingly a member of the Communist Party, he shall not become an employee of any school district.

Verified statement

12602. Any employee of any school district who is now or since September 10, 1948, was knowingly a member of the Communist Party shall within ninety (90) days of the effective date of this section file with the governing board of the school district employing him a verified statement that he is no longer a member of the Communist Party and that such membership has been terminated in good faith. Any such employee who fails to file such a statement within the time specified shall be guilty of insubordination and guilty of violating this section and shall be suspended and dismissed from his employment in the manner provided by law.

Suspension for membership in Communist Party

12603. Any employee of any school district who hereafter knowingly becomes a member of the Communist Party shall be guilty of insubordination and guilty of violating this section and shall be suspended and dismissed from his employment in the manner provided by law.

Duty to appear before legislative committees, etc.

12604. It shall be the duty of any employee of any school district who may be subpenaed by a United States Congressional Un-American Activities Committee or a subcommittee thereof or a California Legislative Un-American Activities Committee or a subcommittee thereof or any other committee or subcommittee of the United States Congress or the California Legislature or of either house of either thereof to appear before said committee or subcommittee and specifically to answer under oath a question or questions propounded by any member or counsel of the committee or subcommittee relating to.

(a) Present personal advocacy by the employee of the forceful or violent overthrow of the Government of the United States or of any state or political subdivision.

(b) Present knowing membership in any organization which, to the knowledge of such employee, advocates the forceful or violent overthrow of the Government of the United States or of any state or political subdivision.

(c) Past knowing membership at any time since September 10, 1948, in any organization which, to the knowledge of such employee, during the time of the employee's membership advocated the forceful or violent overthrow of the Government of the United States or of any state or political subdivision

(d) Past knowing membership of such employee in the Communist Party at any time since September 10, 1948

(e) Present knowing membership of such employee in the Communist Party.

Any employee who fails or refuses to answer under oath on any ground whatsoever any such question propounded by any member or counsel of any such committee or subcommittee shall be guilty of insubordination and guilty of violating this section

and shall be suspended and dismissed from his employment in the manner provided by law.

Appearance before governing board of school district

12605. It shall be the duty of any employee of any school district who is ordered to appear before the governing board of the employing school district to appear and specifically to answer under oath a question or questions propounded by a member or counsel of the governing board or by the superintendent of schools relating to any of the matters specified in Section 12604.

Any employee who fails or refuses to appear or to answer under oath on any ground whatsoever any such question propounded by a member or counsel of the governing board or by the superintendent of schools shall be guilty of insubordination and guilty of violating this section and shall be suspended and dismissed from his employment in the manner provided by law.

Cause for suspension and dismissal

12606. It shall be sufficient cause for the suspension and dismissal, in the manner provided by law, of any employee of a school district when such employee is knowingly a member of the Communist Party.

12607. Any certificated employee of a school district who violates any of the provisions of Sections 12601 to 12606, inclusive, of this code shall be guilty of unprofessional conduct and shall be suspended and dismissed in the manner provided by law.

SEC. 2. Section 13521 of the Education Code is amended to read:

Grounds 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.

(j) Violation of any provision in Section 12601 to 12607, inclusive, of this code.

(k) Knowing membership by the employee in the Communist Party.

SEC. 3. Section 13526 of the Education Code is amended to read:

13526. Upon the filing of written charges, duly signed and verified by the person filing them with the governing board of a school district, or upon a written statement of charges formulated by the governing board, charging a permanent employee of the district with immoral conduct, conviction of a felony or of any crime involving moral turpitude, with incompetency due to mental disability, with violation of Section 8275 of this code, with knowing membership by the employee in the Communist Party or with violation of any provision in Sections 12601 to 12607, inclusive, of this code, the governing board may, if it deems such action necessary, immediately suspend the employee from his duties and give notice to him of his suspension, and that 30 days after service of the notice, he will be dismissed, unless he demands a hearing. Suspension procedure

If the permanent employee is suspended upon charges of knowing membership by the employee in the Communist Party or for any violation of Section 8275, 12601, 12602, 12603, 12606 or 12607 of this code, he may within 10 days after service upon him of notice of such suspension file with the governing board a verified denial, in writing, of the charges. In such event the permanent employee who demands a hearing within the 30 day period shall continue to be paid his regular salary during the period of suspension and until the entry of the superior court judgment, if and during such time as he furnishes to the school district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the school district the amount of salary so paid to him during the period of suspension in case the superior court judgment is that he may be dismissed. If the judgment determines that the employee may not be dismissed, the school district shall reimburse the employee for the cost of the bond.

SEC. 3.5. Section 14130.5 is added to the Education Code, to read:

14130.5. In addition to any causes for suspension or dismissal which are designated by rule of the commission, employees in the classified service shall be suspended and dismissed in the manner provided by law for any one or more of the following causes: Additional causes for suspension or dismissal

(a) Knowing membership by the employee in the Communist Party.

(b) Violation of any provision in Sections 12601 to 12606, inclusive, of this code.

(c) Conduct specified in Section 1028 of the Government Code, added by Chapter 1418 of the Statutes of 1947.

SEC. 4. The purpose of this act is to declare a state policy and provide a uniform procedure applicable to all school districts whereby members of school district governing boards shall suspend and dismiss or refuse to employ persons who are knowingly members of the Communist Party and shall suspend and dismiss employees who fail or refuse to answer the pertinent questions specified in this act. Nothing in this act is intended or shall be construed to limit or restrict the rule- Purpose of act

making power of governing boards of school districts. Any rule, regulation or order heretofore adopted on this subject by any such governing board is hereby validated and declared to be fully and completely effective to the extent it is consistent with this act and any such rule, regulation or order shall only be superseded by this act to the extent inconsistent with this act.

Separability 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 1633

An act to amend Sections 307 and 332 of the Vehicle Code, relating to the suspension of drivers' licenses and penalty when a person drives after refusal, suspension or revocation of license.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 307 of the Vehicle Code is amended to read:

Suspension of license. Drunk driving

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:

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.

Date of suspension

(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 conviction 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.

SEC. 2. Section 332 of the Vehicle Code is amended to read:

Driving when license refused, suspended, or revoked

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 six months or by fine of not more than five hundred dollars ($500) or both.

Penalty

Suspension of driving privilege

(b) 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 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.

Additional proof required

(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 1634

An act to amend Section 17952.1 of, and to add Sections 17319.8a, 17319.8b, 17319.8c, 17319.8d, 17319.8e and 17319.8f to, the Revenue and Taxation Code, relating to personal income tax deductions.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 17319.8a is added to the Revenue and Taxation Code, to read:

Adoption expenses

17319.8a. In computing net income, there shall be allowed as a deduction, except as limited under Sections 17319.8b and 17319.8c, any expenses paid or incurred by the taxpayer or his spouse in connection with the adoption of a child by them Such expenses include any medical and hospital expenses of the mother of an adopted child which are incident to the child's birth, and any welfare agency, legal and other fees or costs relating to the adoption.

SEC. 2. Section 17319.8b is added to said code, to read:

Husband and wife Joint return

17319.8b. A husband and wife who file a joint return may deduct only those adoption expenses which exceed 5 percent of the aggregate adjusted gross income of the husband and wife, and the maximum deduction in any such return for any such expenses shall not exceed two thousand five hundred dollars ($2,500).

SEC. 3. Section 17319.8c is added to said code, to read:

Separate return

17319.8c. A husband or wife who files a separate return may deduct only those adoption expenses which exceed 5 percent of the adjusted gross income of the taxpayer, and the maximum deduction in any such return for any such expenses shall not exceed one thousand two hundred fifty dollars ($1,250).

SEC. 3.5. Section 17319.8d is added to said code, to read:

Medical expenses and adoption expenses Maximum allowed

17319.8d. (a) The maximum amount allowable for both medical expenses and adoption expenses in the case of a husband and wife who file a joint return and claim deductions for both medical expenses and adoption expenses is two thousand five hundred dollars ($2,500).

Same

(b) The maximum amount allowable for both medical expenses and adoption expenses in the case of a husband or wife who files a separate return and claims deductions for both medical expenses and adoption expenses is one thousand two hundred fifty dollars ($1,250)

SEC. 3.6. Section 17319.8e is added to said code, to read:

17319.8e. A husband and wife who have paid or incurred both medical expenses and adoption expenses which in the aggregate exceed 5 percent of the aggregate adjusted gross income of the husband and wife shall be allowed a deduction in the amount of such excess, subject to the usual applicable limitations, notwithstanding that the amount paid or incurred for

each such type of expenses does not exceed 5 percent of the aggregate adjusted gross income.

SEC. 3.7. Section 17319.8f is added to said code, to read:

17319.8f. A husband or wife who has paid or incurred both medical expenses and adoption expenses which in the aggregate exceed 5 percent of his or her adjusted gross income shall be allowed a deduction in the amount of such excess, subject to the usual applicable limitations, notwithstanding that the amount paid or incurred for each such type of expenses does not exceed 5 percent of the adjusted gross income.

SEC. 4. Section 17952.1 of said code is amended to read:

"Dependent"

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:

(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.

"Brother" and "sister"

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. A child shall be deemed legally adopted when placed in the custody of the taxpayer for adoption by the latter or his spouse. 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.

Operative date

SEC. 5. The provisions of this act shall be applied only in the computation of taxes for taxable years beginning after December 31, 1952.

CHAPTER 1635

An act to amend Section 13842 of the Education Code, relating to minimum salaries for certificated school employees.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 13842 of the Education Code is amended to read:

Minimum teachers' salaries

13842. The governing board of each school district shall pay to each person employed in a day school of the district for full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than three thousand four hundred dollars ($3,400).

The governing board of each school district shall pay to each person employed for less than full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than an amount which bears the same ratio to three thousand four hundred dollars ($3,400) as the time required of the person bears to the time required of a person employed full time.

"Full time" means not less than the minimum school day for each day the schools of the district are maintained during the school year.

The provisions of this section shall not be construed as applying to substitute employees of a school district.

Operative date

SEC. 2. The act shall not become operative until July 1, 1954.

CHAPTER 1636

An act to amend Section 6804 of the Education Code, relating to absence of pupils.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 6804 of the Education Code is amended to read:

Absence of pupils

6804. No absence of a pupil from school for the purpose of having optometrical, or medical service rendered shall be deemed an absence in computing average daily attendance.

CHAPTER 1637

An act to amend Section 69898 of the Government Code, relating to superior court employees in counties of 2,000,000 population or more.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 69898 of the Government Code is amended to read:

69898. In each county with a population of 2,000,000 and over, a majority of judges of the superior court may appoint the following employees whose monthly salaries shall be:

County 2,000,000 and over Superior court salaries

	1st step	2d step	3d step
(a) Four probate examiners	$608	$641	$677
(b) Two assistant probate examiners	464	489	516
(c) One probate legal auditor	464	489	516
(d) One probate investigator	355	375	395
(e) Four senior probate checkers	337	355	375
(f) Four intermediate probate checkers	273	288	303
(g) Two probate checkers	246	259	273
(h) Two jury supervisors	337	355	375
(i) Two assistant jury supervisors	273	288	303

The salaries provided for in this section for employees on the three-step plan shall be paid as provided in Section 69899.5.

CHAPTER 1638

An act to amend Section 69899 of, and to add Section 69899.5 to, the Government Code, relating to superior court employees in counties of 2,000,000 population or more.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 69899 of the Government Code is amended to read:

69899. In each county with a population of 2,000,000 and over, a majority of the judges of the superior court may appoint the following employees whose monthly salaries shall be:

County 2,000,000 and over Superior court salaries

	First step	Second step	Third step
(a) One administrative jury supervisor	$395	$417	$440
(b) Two supervising judicial secretaries	355	375	395
(c) One administrative assistant	395	417	440

	First step	Second step	Third step
(d) One secretary for the appellate department of the superior court	$355	$375	$395
(e) Twenty-eight senior judicial secretaries	337	355	375
(f) Five judicial secretaries	273	288	303
(g) One property clerk	273	288	303
(h) Six investigators of the domestic relations cases	417	440	464
(i) Six junior clerks	221	233	246
(j) Six intermediate typist-clerks	246	259	273

(k) Four research assistants for the appellate department of the superior court at a flat rate of three hundred eighty-five dollars ($385).

The salaries provided for in this section for employees on the three-step plan shall be paid as provided in Section 69899.5.

SEC. 2. Section 69899.5 is added to said code, to read:

Three-step rate of compensation

69899.5 In those positions for which Sections 69898 and 69899 of the Government Code and Section 1744 of the Code of Civil Procedure provide a three-step rate of compensation the provisions of this section shall apply.

(a) Except in the case of transfer, demotion or promotion, original appointments to such positions shall be at the rate designated for the first step.

(b) A step advance from the first to the second step of a position shall be granted upon the completion of six months of continuous service in the same position. Upon the completion of one year of continuous service at the second step, a person shall advance to the third step and receive the third step rate while serving in that same position.

(c) A step advancement shall not be granted to any person if his superior finds that his work has been unsatisfactory and so notifies the county auditor.

(d) When a person is promoted to a position on a three-step rate basis, he shall receive the first step rate in the salary schedule of the new position which results in an increase in salary.

(e) A person demoted to a lower position shall be entitled to receive whichever of the following rates is lower:

(1) The third step rate of the position to which he is demoted.

(2) The same rate of pay which he was receiving prior to demotion.

(f) The appointing power who demotes a person for disciplinary reasons may specify any step rate in the three-step range of the lower position except that it shall not be higher than the step rate held by the employee in the higher position.

(g) Where a person begins employment between the first and fifteenth of any calendar month, inclusive, his step advancement shall be calculated from the first day of that month. Where a person begins employment on or after the sixteenth

day of the calendar month, the step advancement shall be calculated from the first of the next month.

(h) Upon demotion a person shall retain the anniversary date held in the higher position.

(i) A person shall receive a salary, in no event less than he received in the same position immediately prior to the effective date of the Statutes of 1953, and shall receive credit for prior service in the position in determining step status under this section.

CHAPTER 1639

An act making an appropriation to the Division of Beaches and Parks for the acquisition of land in Orange County as part of the state system of beaches and parks.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

Appropriation. Acquisition of land for state park purposes.

SECTION 1. There is hereby appropriated to the Division of Beaches and Parks, Department of Natural Resources, from the State Beach Fund the sum of seven hundred fifty thousand dollars ($750,000), or so much thereof as may be necessary to be expended subject to the conditions provided in this act for the acquisition for state park purposes of land in Orange County known as Bolsa Chica Beach proposed state park site, consisting of 15,460 lineal feet, more or less, of beach frontage and such acreage as can be purchased at a reasonable price, to be determined by appraisal and negotiation or by condemnation proceedings, said land situate, lying and being between the extension of Los Patos Avenue, at the southerly terminus of Sunset Beach and the northerly city limits of Huntington Beach and between the ordinary high tide of the Pacific Ocean and State Highway No. 101, Alternate, excepting therefrom an easement for railroad purposes as said railroad now exists. This appropriation shall be expended in the acquisition of aforesaid property and shall not be matched by like amounts or any amounts, in money, property or lands received from private or any other sources.

Orange County tidelands oil receipts.

SEC. 2. The State of California received from the state-owned tideland production area along the Orange County coast the sum of four million six hundred thirty-six thousand nine hundred ninety-three dollars and thirty-seven cents ($4,636,993.37) in 1947, the sum of seven million seven hundred forty-seven thousand eight hundred seventy-nine dollars and ninety-six cents ($7,747,879.96) in 1948, the sum of seven million three hundred thirteen thousand seventy-one dollars and eighty-three cents ($7,313,071.83) in 1949, the sum of six million eight hundred twenty-seven thousand eight hundred seventy-six dollars and seventy-four cents ($6,827,876.74) in 1950, the sum of eight million four hundred sixty-eight thousand four hundred thirty dollars and thirty-two cents ($8,468,430.32) in 1951, the

sum of seven million six hundred five thousand five hundred fifty-six dollars and seventy-three cents ($7,605,556.73) in 1952. The County of Orange received no income from the State through tideland drilling operations in this area. However, in other areas of this State, the State by legislative action has relinquished its rights to other tideland pools and in these cases the municipalities contiguous thereto have reaped the entire benefit therefrom, and the State has received nothing. Approximately two-thirds of the money impounded under the tideland suit in the State Beach Fund have come from oil royalties collected from the tidelands of Orange County. The Legislature believes that equity and simple justice demand that a small portion of the millions of dollars obtained from the state tidelands of Orange County be used in the acquisition of the aforesaid described property which is eminently suited to beach recreation use, and which would prove to be of great recreational value to all of the citizens in the southern counties of the State. By reason thereof the Legislature hereby expressly declares that this appropriation constitutes a valid exception to any policy requiring the matching of state funds by other sources in acquiring park properties. Thus, the equities of the situation will be met, and a beautiful state beach park will be created for the enjoyment of the citizens of California.

Limitations

SEC. 3. The sum herein appropriated shall not become available for the purposes of this act until the release from trust by the Federal Government or pursuant to the order of a court of competent jurisdiction of all or any part of the money deposited in the Special Deposit Fund pursuant to Chapter 7 of the Statutes of 1951, or the money held in trust by the Treasurer of the United States pursuant to that act, and until a report has been submitted by the State Park Commission indicating that funds are available for the acquisition of all historical monuments, parks and beaches recommended for acquisition and indicating further that estimated revenues on a current basis from off-shore oil royalties are sufficient to provide for the maintenance and operation of all of the acquisitions recommended by the Park Commission and approved by the Legislature, and until the Legislature indicates its approval of such report by reappropriating the money appropriated by Section 1 of this act.

CHAPTER 1640

An act to amend Sections 17137, 17325 and 17327 of, and to add Section 17329.1 to, the Revenue and Taxation Code, relating to personal income taxes, and providing that this act take effect immediately.

In effect immediately

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 17137 of the Revenue and Taxation Code is amended to read:

17137. (a) Gross income also does not include the salary, wages, bonuses, allowances, and other compensation received by an individual for his services as a member of the armed forces of the United States, including any auxiliary branch thereof, up to and including one thousand dollars ($1,000) per annum in the aggregate. Military income and benefits

(b) Gross income also does not include amounts received during the taxable year as mustering out payments and terminal leave and unused leave pay and bonds, and educational benefits received under federal or state legislation with respect to services in the military or naval forces of the United States.

SEC. 2. Section 17325 of the Revenue and Taxation Code is amended to read:

17325. A taxpayer, at his election, may take a standard deduction as follows: Standard deduction

(a) If his adjusted gross income is five thousand dollars ($5,000) or more, the standard deduction shall be three hundred dollars ($300);

(b) If his adjusted gross income is less than five thousand dollars ($5,000), the standard deduction shall be an amount equal to 6 percent of the adjusted gross income upon the basis of which the tax applicable to the adjusted gross income of the taxpayer is determined under the tax table provided in Section 17053.5;

(c) If the adjusted gross income of a married couple filing a joint return is less than ten thousand dollars ($10,000), the standard deduction shall be an amount equal to twice 6 percent of one-half of the total adjusted gross income of both taxpayers upon the basis of which the tax applicable to one-half of the adjusted gross income of the taxpayers is determined under the tax table provided in Section 17053.5;

(d) If the adjusted gross income of a married couple filing a joint return is ten thousand dollars ($10,000) or more, the standard deduction shall be six hundred dollars ($600)

SEC. 3 Section 17327 of the Revenue and Taxation Code is amended to read:

17327. The standard deduction shall be allowed if the taxpayer so elects in his return, and the Franchise Tax Board shall by regulation prescribe the manner of signifying such election in the return. Election

An election to compute the tax under Section 17053.5 is an election to take the standard deduction.

SEC. 4. Section 17329.1 is added to the Revenue and Taxation Code, to read:

17329.1. Under regulations prescribed by the Franchise Tax Board, a change of an election to take, or not to take, the standard deduction for any taxable year may be made after the filing of the return for such year. If the spouse of the taxpayer filed a separate return for any taxable year corresponding, for the purposes of Section 17328, to the taxable year of the taxpayer, the change shall not be allowed unless, in accordance with such regulations— Change of election

(a) The spouse makes a change of election with respect to the standard deduction for the taxable year covered in such separate return, consistent with the change of election sought by the taxpayer, and

(b) The taxpayer and his spouse consent in writing to the assessment, within such period as may be agreed upon with the Franchise Tax Board, of any deficiency, to the extent attributable to such change of election, even though at the time of the filing of such consent the assessment of such deficiency would otherwise be prevented by the operation of any law or rule of law.

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. 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 1641

An act to amend Section 140.3 of the Vehicle Code, relating to one-trip permit.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 140.3 of the Vehicle Code is amended to read:

One-trip permit

140.3. One-trip Permit. A vehicle otherwise subject to registration may be driven or moved unladen upon a highway on a permit issued by the department for one continuous trip from a place within this State to another place either within or without this State.

The permit herein provided shall not be issued in lieu of registration for movement of any unregistered trailer coach used as a place of abode without the owner having displayed to the department a receipt in payment of current local taxes for value of such vehicle.

CHAPTER 1642

An act to amend Sections 8560, 8562, 8563, 8564, 8565, 8566, 8568, and 8571 of the Business and Professions Code, relating to structural pest control.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 8560 of the Business and Professions Code is amended to read:

Pest control classification

8560. (a) Licenses issued to operators or field representatives shall be limited to the group or groups of pest control for which the applicant has qualified by application and examination. For the purpose of delimiting the type and character of work authorized by the various group licenses hereinafter set forth, the practice of pest control is classified into the following branches, namely,

Branch 1: The practice relating to the control of household and wood destroying pests by fumigation with poisonous or lethal gases.

Branch 1 (a): The practice relating to the control of wood destroying pests or organisms by fumigation with poisonous or lethal gases.

Branch 2: The practice relating to the control of household pests by the use of insecticides, excluding fumigation with poisonous or lethal gases.

Branch 3: The practice relating to the control of wood destroying pests by the use of insecticides or structural repairs and corrections, excluding fumigation with poisonous or lethal gases.

Branch 4: The practice relating to the control of rodents, excluding fumigation with poisonous or lethal gases.

Branch 5: The practice relating to the control of moths and carpet beetles, excluding fumigation with poisonous or lethal gases.

Branch 6: The practice relating to the control of cockroaches, excluding fumigation with poisonous or lethal gases.

Branch 7: The practice relating to the control of ants, excluding fumigation with poisonous or lethal gases.

Licenses

The group licenses which the board shall issue shall be designated as follows and shall include the branches of pest control set forth opposite the respective groups:

Group A: Which shall consist of practice of pest control covering branches 1 to 7, inclusive.

Group B: Which shall consist of practice of pest control covering branches 2 to 7, inclusive.

Group C: Which shall consist of practice of pest control covering branches 1, 2, and 4 to 7, inclusive.

Group D: Which shall consist of practice of pest control covered by branch 3.

Group D Special: Which shall consist of the practice of pest control covering branches 1 (a) and 3.

Group E: Which shall consist of practice of pest control covering branches 2 and 4 to 7, inclusive.

Group F: Which shall consist of practice of pest control covering branch 5.

Group G: Which shall consist of practice of pest control covered by branch 7.

Group H: Which shall consist of practice of pest control covering branches 4 and 6.

Group I: Which shall consist of practice of pest control covered by branch 4.

From and after the effective date of this section no new or original operator's licenses shall be issued in groups F, G, H, and I.

Written examinations

(b) Unless otherwise authorized by the board, all written examinations shall be in ink in books supplied by the board. All examination papers shall be kept for a period of one year, upon the expiration of which such papers may be destroyed on order of the board. Each applicant for license shall be designated by a number instead of by name, and the identity thereof shall not be disclosed until the examination papers are graded. No person shall be admitted to the examination room except members of the board, the examining personnel, and the applicants for license.

(c) The board shall make rules and regulations for the purpose of securing fair, impartial, and proper examinations.

(d) Licensees of any group may be licensed in other groups upon complying with the requirements for qualification and by examination in such other groups. No failure of the licensee to pass examination in such other group or groups shall have any effect on existing licenses.

(e) Such examinations shall be in each of the subjects specified in the group or groups relating to the respective applications. License according to such applications shall be granted to any applicant who shall make a general average of not less than 70 percent on all the subjects of such group or groups; provided, that any applicant who makes a grade of less than 50 percent in any one subject or who makes a grade of less than 70 percent in the subjects of fumigation and identification of insects, or either, when such subjects are included in the group for which license is applied, shall not be passed or licensed regardless of any general average attained by such applicant.

SEC. 2. Section 8562 of said code is amended to read:

Operator's license application

8562. To obtain an original operator's license, an applicant shall submit to the registrar an application in writing containing the statement that the applicant desires the issuance of an operator's license under the terms of this chapter.

The application shall be made on forms prescribed by the board and issued by the registrar in accordance with rules and

regulations adopted by the board, and shall contain the following:

(a) The name of the applicant.

(b) If a partnership, the names of all partners and the name of the partner or responsible natural person qualifying for the applicant.

(c) If an association or corporation, the names of all officers and the name of the officer or responsible natural person qualifying for the association or corporation.

(d) The proposed location of place of business and the proposed location of branch offices, if any.

(e) Proof satisfactory to the board that the applicant has had actual experience for a period of not less than the time specified opposite the branches listed below in the employ of a licensed operator in the State of California in the particular branch or branches of pest control for which the applicant desires to be licensed, or the equivalent of such experience:

Branch 1	6 months
Branch 2	1 year
Branch 3	4 years

(f) A designation of the group or groups for which the application is made.

(g) The fees prescribed by this chapter.

(h) No operator's license shall be issued to a person under 21 years of age or to any copartnership in which such person is a partner or to any corporation of which he is an officer or responsible natural person; provided, however, that if he shall first have had a guardian appointed by a court of competent jurisdiction he can become a partner in a licensed partnership, or an officer or other responsible official in a corporation or association, other than the qualified partner, qualified officer, or qualified responsible natural person.

SEC. 3. Section 8563 of said code is amended to read:

Field representative's license

8563. Any individual 18 years of age or over may apply for a license as field representative.

Such applicant shall possess the qualifications and be examined as hereinafter prescribed. If such applicant qualifies for a field representative's license, as herein prescribed, the board shall issue to him a field representative's license.

SEC. 4. Section 8564 of said code is amended to read:

Same: Application

8564. To obtain an original field representative's license, an applicant shall submit to the registrar an application in writing containing a statement that the applicant desires the issuance of a field representative's license under the terms of this chapter.

The application shall be made on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board, and shall contain the following:

(a) The length of time during which the applicant has engaged in any work relating to pest control.

(b) The name and place of business of the person who last employed him.

(c) The name of the person by whom the applicant is employed.

(d) The name of the operator by whom the applicant is to be employed.

(e) A statement from the operator employing the applicant at the time of the application certifying to the honesty, truthfulness and good reputation of the applicant, or if the applicant has not been previously employed by an operator, a statement by two reputable natural persons who have resided in the State of California for at least one year immediately preceding the date of the application and who have known the applicant for at least one year, certifying to the honesty, truthfulness and reputation of the applicant.

(f) The fees prescribed by this chapter.

If the applicant qualifies therefor, the board shall issue to him a license as a field representative in the group or groups of pest control for which he has qualified.

The board shall not accept any application for a field representative license in Group A or C unless the applicant submits proof satisfactory to the board that he has had six months' training and experience in the practice of fumigating with poisonous or lethal gases under the immediate supervision of a person licensed to practice fumigating, or the equivalent of such training and experience.

SEC. 5. Section 8565 of said code is amended to read:

Operator's license examination

8565. The board shall ascertain by written examination that an applicant for a license as operator is qualified in the use and understanding of all of the following:

(a) The English language, including reading, writing and spelling.

(b) The building and safety laws of the State and any of its political subdivisions, if the branch or branches of pest control required for the group license for which he is applying, require such knowledge.

(c) The labor laws of the State.

(d) The provisions of this chapter.

(e) Poisonous and other dangerous chemicals used in pest control, if the group license or licenses for which he is applying, require such knowledge.

(f) The theory and practice of pest control in the branch or branches thereof required for the group license for which the applicant desires to be licensed.

(g) Such other state laws, safety or health measures, or practices as are reasonably within the scope of structural pest control in the various groups.

SEC. 6. Section 8566 of said code is amended to read:

Field representative's license examination

8566. The board shall ascertain by written examination that an applicant for a license as field representative is qualified in the use and understanding of the following:

(a) The safety laws of the State, if the branch or branches of pest control required for the group license for which he is applying, require such knowledge.

(b) The provisions of this chapter.

(c) Poisonous and other dangerous chemicals used in pest control, if the branch or branches of pest control required for the group license for which he is applying, require such knowledge.

(d) The theory and practice of pest control in the branch or branches thereof required for the group license for which the applicant desires to be licensed.

(e) Such other state laws, safety or health measures, or practices as are reasonably within the scope of structural pest control in the various groups.

SEC. 7. Section 8568 of said code is amended to read:

Hearing: Denial of license

8568. After a hearing the board may deny a license unless the applicant makes a showing satisfactory to the board that the applicant, if an individual, has not, or if the applicant is a person other than an individual, that its manager and each of its officers, directors, employees, members and partners have not:

(a) Knowingly committed or aided and abetted the commission of any illegal act which, if committed by a licensee, would be ground for suspension or revocation of a license under this chapter.

(b) While unlicensed, knowingly committed or aided and abetted the commission of any act for which a license is required under this chapter.

(c) While acting as a partner, officer, or managing employee of a firm, partnership, or corporation, had guilty knowledge of and participated in the commission of any act resulting in the suspension or revocation of a license.

(d) Been convicted of a felony or a crime involving moral turpitude.

(e) Knowingly committed or done an act involving dishonesty, fraud or deceit whereby the applicant has been benefited, or whereby some injury has been sustained by another.

(f) Misrepresented any material fact on his application for a license.

When a hearing is held under this section it 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. 8. Section 8571 of said code is amended to read:

Termination of operator-licensee connection

8571. If the qualified operator who is designated as:

(a) Employee and responsible natural person for a partnership, or

(b) Employee and responsible natural person for an association or corporation, or

(c) Qualified officer for an association or corporation ceases for any reason whatsoever to be connected with the licensee to whom the license is issued, the licensee shall notify the registrar in writing within 10 days from such cessation. If such

notice is given the license shall remain in force for a reasonable length of time, to be determined by rules of the board, during which period the licensee must submit to the registrar in writing the name of another qualified, or to be qualified, operator to replace the operator who has ceased to be connected with it, and who shall qualify as such within the time allowed by rules and regulations of the board.

If the licensee fails to notify the registrar within the 10-day period, or fails to replace with a qualified operator within the period fixed by the regulations of the board, at the end of the period the license shall be ipso facto suspended. The license shall be reinstated upon the filing of an affidavit, executed by the licensee, and filed with the registrar, to the effect that the operator who ceased to be connected with the licensee has been replaced by another operator who is authorized by this chapter to act in such capacity, and that such operator has not had his license suspended or revoked or that he has not been connected with a licensee who has had his license suspended or revoked.

CHAPTER 1643

An act to amend Sections 72701, 72702, 72703, 72704, 72705, 72706, 72707, 72708, and 72715 of the Government Code, relating to the officers and attaches of the municipal court established in a judicial district embracing the City of Los Angeles.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

Los Angeles Municipal Court

SECTION 1. Section 72701 of the Government Code is hereby amended to read as follows:

Referee

72701. There shall be one referee who shall be appointed by the judges of the court and who shall receive six hundred seventy-seven dollars ($677) monthly.

SEC. 2. Section 72702 of the Government Code is hereby amended to read as follows:

Clerk

72702. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 26 of the salary schedule provided in Section 72705.

SEC. 3. Section 72703 of the Government Code is hereby amended to read as follows:

Deputy clerks

72703. The clerk may appoint:

(a) One deputy clerk who shall be chief clerk, traffic department, and who shall receive a monthly salary at a rate specified in Schedule 18.

(b) One deputy clerk who shall be chief clerk, civil department, and who shall receive a monthly salary at a rate specified in Schedule 18.

(c) One deputy clerk who shall be chief clerk, criminal department, and who shall receive a monthly salary at a rate specified in Schedule 18.

(d) One deputy clerk who shall be chief clerk, accounting department, and who shall receive a monthly salary at a rate specified in Schedule 18.

(e) Six deputy clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 15.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 72705.

SEC. 4. Section 72704 of the Government Code is hereby amended to read as follows:

72704 The clerk may also appoint:

(a) Thirteen deputy clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 13.

(b) Thirty-seven deputy clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 12.

(c) One deputy clerk who shall receive a monthly salary at a rate specified in Schedule 9.

(d) Four deputy clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 8.

(e) Twelve deputy clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 7.

(f) Eighteen deputy clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 6.

(g) Eighteen deputy clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 5.

(h) Sixteen deputy clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 4.

(i) Thirty-eight deputy clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 3.

(j) Twelve deputy clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 2

(k) One hundred forty-five deputy clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 1.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 72705.

SEC. 5. Section 72705 of the Government Code is hereby amended to read as follows:

72705 Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply: Salary schedule

Schedule number	Rate A	Rate B	Rate C
1	$246	$259	$273
2	259	273	288
3	273	288	303
4	288	303	319
5	303	319	337
6	319	337	355

Schedule number	Rate A	Rate B	Rate C
7	$337	$355	$375
8	355	375	395
9	375	395	417
10	395	417	440
11	417	440	464
12	395	440	489
13	417	464	516
14	489	516	545
15	516	545	575
16	545	575	608
17	575	608	641
18	608	641	677
19	641	677	715
20	677	715	755
21	715	755	797
22	755	797	842
23	797	842	889
24	842	889	940
25	889	940	992
26	940	992	1,048
27	992	1,048	1,107
28	1,048	1,107	1,170

Night shift

(a) Any deputy clerk who is regularly required to work a night shift, during the period of such service, shall draw the compensation of the step in the next higher numbered schedule which will increase his basic compensation by one step A night shift is a tour of duty which commences after 2 p m. and prior to 6 a m.

Increases

(b) Unless otherwise specifically provided, each person appointed to a position enumerated in this article shall, for the first six months of service, receive monthly the rate of compensation specified in step A of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months' continuous service in a class, such person shall receive monthly the rate of compensation specified in step B of the salary schedule for the position occupied. On and after the first day of the month following the first 12 months of such service at the rate specified in rate B, such person shall receive monthly the rate of compensation specified in step C of the salary schedule for the position occupied.

Promotion

(c) When any person in the service of the court is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step A of such schedule if step A is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation.

Minimum salaries

(d) On the effective date of this act, each person in the service of the court shall receive that step rate of the schedule per-

taining to his office or position which will provide compensation in no event less than that last previously received in the same position. Any person who has served in a position for at least 18 months shall receive rate C of the schedule therefor; all others shall receive credit for time heretofore served in the position then held in determining the step rate to which such persons are initially entitled and shall receive rate C upon the completion of 18 months' total service in such position. In determining the step rate of compensation to be paid under Schedule 13, there shall be counted that period served in a position to which Schedule 12 applies.

(e) When any person in the service of the court is demoted to another office or position he shall receive the third step rate of salary for the position to which he is demoted, except that if such demotion is due to disciplinary action, the appointing power may indicate any step rate of the lower position which provides compensation not higher than that last previously received by such person. Demotion

SEC. 6. Section 72706 of the Government Code is hereby amended to read as follows:

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 eleven thousand five hundred dollars ($11,500) per annum. 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. Commissioners

SEC. 7. Section 72707 of the Government Code is hereby amended to read as follows:

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 monthly salary at a rate specified in Schedule 25 of the salary schedule provided in Section 72705 Secretary and jury commissioner

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.

SEC. 8. Section 72708 of the Government Code is hereby amended to read as follows:

72708. The judges of the municipal court shall appoint a traffic commissioner who shall hold office at the pleasure of the Traffic commissioner

judges and receive a salary of eleven thousand five hundred dollars ($11,500) per annum.

In addition if he possess 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.

SEC. 9. Section 72715 of the Government Code is hereby amended to read as follows:

Application

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 such judicial district.

CHAPTER 1644

An act to amend Sections 2182 and 2183 of the Welfare and Institutions Code and to add Section 2180.5 thereto, relating to aid to the aged.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 2182 of the Welfare and Institutions Code is amended to read:

Reapplications for aid to aged

2182. An applicant whose application for aid under this chapter has been rejected may not again apply for such aid until the expiration of 90 days from the date the previous application was denied, except with the consent of the county or an order of the State Department of Social Welfare, or until the condition because of which his application was rejected has been eliminated.

SEC. 2. Section 2183 of said code is amended to read:

Payment of aid

2183. If the application for aid is granted, the clerk of the board of supervisors shall report the fact to the auditor of the county. All payments of aid under this chapter shall be made monthly in advance by the treasurer of the county.

Such payment shall be paid by warrant and shall be delivered to the applicant at his residence if he so requests. If the recipient of old age assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, upon recommendation of the board of supervisors and with the approval of the Department of Social Welfare the aid authorized in this chapter may be paid to any responsible person acceptable to the recipient for the benefit of the recipient of this aid, but it shall be unlawful for the board of supervisors to order any part of the aid granted under this chapter to be paid in the form of merchandise orders for food, rent or otherwise.

SEC. 3. Section 2180.5 is added to said code, to read:

2180.5. The board of supervisors, directly or through an authorized investigator, shall upon receipt of an application for aid, promptly, without any unnecessary delay, and with all diligence, make the necessary investigation with the objective that payment is made to all eligible persons within the minimum possible length of time after the application is made. Investigation

If the applicant is determined to be eligible the aid shall be granted from the first day of the month in which the determination is made that he is eligible, but aid shall not begin prior to the date of application unless an earlier date is required by Section 104 1. 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 following the month in which the sixtieth day falls.

CHAPTER 1645

An act to amend Section 2183 of the Welfare and Institutions Code, relating to aid to the aged.

[Approved by Governor July 3, 1953 Filed with Secretary of State July 6, 1953]

In effect September 9, 1953

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

SECTION 1. Section 2183 of the Welfare and Institutions Code is amended to read:

2183. If the application for aid is granted, the clerk of the board of supervisors shall report the fact to the auditor of the county. All payments of aid under this chapter shall be made monthly in advance by the treasurer of the county and shall be paid as of the first day of each month. Payment of aid to aged

The warrant shall be placed in the mail in time for delivery on the first postal delivery day of each month.

Such payment shall be paid by warrant and shall be delivered to the applicant at his residence if he so requests. If the recipient of old age assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, upon recommendation of the board of supervisors and with the approval of the Department of Social Welfare the aid authorized in this chapter may be paid to any responsible person acceptable to the recipient for the benefit of the recipient of this aid, but it shall be unlawful for the board of supervisors to order any part of the aid granted under this chapter to be paid in the form of merchandise orders for food, rent or otherwise.

CHAPTER 1646

An act to add Sections 1027.5 and 1028.1 to the Government Code and to amend Section 1028 of the Government Code, as added by Chapter 1418 of the Statutes of 1947, relating to the duties and the dismissal of public employees.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 1027.5 is added to the Government Code, to read:

Legislative finding

1027.5. The Legislature of the State of California finds that:

(a) There exists a world-wide revolutionary movement to establish a totalitarian dictatorship based upon force and violence rather than upon law.

(b) This world-wide revolutionary movement is predicated upon and it is designed and intended to carry into execution the basic precepts of communism as expounded by Marx, Lenin, and Stalin.

(c) Pursuant to the objectives of the world communism movement, in numerous foreign countries the legally constituted governments have been overthrown and totalitarian dictatorships established therein against the will of the people, and the establishment of similar dictatorships in other countries is imminently threatening. The successful establishment of totalitarian dictatorships has consistently been aided, accompanied, or accomplished by repeated acts of treachery, deceit, teaching of false doctrines, teaching untruth, together with organized confusion, insubordination, and disloyalty, fostered, directed, instigated, or employed by communist organizations and their members in such countries.

(d) Within the boundaries of the State of California there are active disciplined communist organizations presently functioning for the primary purpose of advancing the objectives of the world communism movement, which organizations promulgate, advocate, and adhere to the precepts and the principles and doctrines of the world communism movement. These communist organizations are characterized by identification of their programs, policies, and objectives with those of the world communism movement, and they regularly and consistently cooperate with and endeavor to carry into execution programs, policies and objectives substantially identical to programs, policies, and objectives of such world communism movement.

(e) One of the objectives of the world communism movement is to place its members in state and local government positions and in state supported educational institutions. If this objective is successful, propaganda can be disseminated by the members of these organizations among pupils and students by those members who would have the opportunity to teach them

and to whom, as teachers, they would look for guidance, authority, and leadership. The members of such groups would use their positions to advocate and teach their doctrines and teach the prescribed Communist Party line group dogma or doctrine without regard to truth or free inquiry. This type of propaganda is sufficiently subtle to escape detection.

There is a clear and present danger, which the Legislature of the State of California finds is great and imminent, that in order to advance the program, policies and objectives of the world communism movement, communist organizations in the State of California and their members will engage in concerted effort to hamper, restrict, interfere with, impede, or nullify the efforts of the State and the public agencies of the State to comply with and enforce the laws of the State of California and their members will infiltrate and seek employment by the State and its public agencies.

SEC. 2. Section 1028, as added by Chapter 1418 of the Statutes of 1947, of said code is amended to read:

Cause for dismissal

1028. It shall be sufficient cause for the dismissal of any public employee when such public employee advocates or is knowingly a member of the Communist Party or of an organization which during the time of his membership he knows advocates overthrow of the Government of the United States or of any state by force or violence.

SEC. 3. Section 1028.1 is added to said code, to read:

1028.1. It shall be the duty of any public employee who may be subpenaed or ordered by the governing body of the state or local agency by which such employee is employed, to appear before such governing body, or a committee or subcommittee thereof, or by a duly authorized committee of the Congress of the United States or of the Legislature of this State, or any subcommittee of any such committee, to appear before such committee or subcommittee, and to answer under oath a question or questions propounded by such governing body, committee or subcommittee, or a member or counsel thereof, relating to:

(a) Present personal advocacy by the employee of the forceful or violent overthrow of the Government of the United States or of any state.

(b) Present knowing membership in any organization now advocating the forceful or violent overthrow of the Government of the United States or of any state.

(c) Past knowing membership at any time since September 10, 1948, in any organization which, to the knowledge of such employee, during the time of the employee's membership advocated the forceful or violent overthrow of the Government of the United States or of any state.

(d) Questions as to present knowing membership of such employee in the Communist Party or as to past knowing membership in the Communist Party at any time since September 10, 1948.

Any employee who fails or refuses to appear or to answer under oath on any ground whatsoever any such questions so

propounded shall be guilty of insubordination and guilty of violating this section and shall be suspended and dismissed from his employment in the manner provided by law.

Exception

SEC. 4. The provisions of this act shall not be applicable to school district employees, it being the intent of the Legislature that similar provision be made in the Education Code for such employees by other acts.

CHAPTER 1647

An act to amend the chapter heading of Chapter 7 of Division 3 of, to amend Section 5801 of, to repeal Sections 5803, 5804, 5805, and 5806, Articles 2 and 3 of Chapter 7 of Division 3, and Article 10 of Chapter 7 of Division 4 of, and to add Sections 5803 to 5806, inclusive, and 9123 to, and Chapter 12 to Division 4 of, the Education Code, relating to vocational rehabilitation and teaching the blind.

In effect September 9, 1953

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. The chapter heading of Chapter 7 of Division 3 of the Education Code is amended to read:

CHAPTER 7. VOCATIONAL REHABILITATION FEDERAL FUND

SEC. 2. Section 5801 of the Education Code is amended to read:

Custody of federal funds

5801. The State Treasurer, as required by the federal act relating to vocational rehabilitation referred to in Chapter 12 of Division 4, shall receive and provide for the proper custody of all funds apportioned to the State under that act.

Repeals

SEC. 3. Sections 5803, 5804, 5805, 5806, Articles 2 and 3 of Chapter 7 of Division 3, and Article 10 of Chapter 7 of Division 4 of said code are repealed.

SEC. 4. Sections 5803 to 5806, inclusive, are added to the Education Code, to read:

Vocational Rehabilitation Federal Fund

5803. The Vocational Rehabilitation Federal Fund in the State Treasury is hereby created. All grants of money received by this State from the United States, the expenditure of which is administered under the provisions of Chapter 12 of Division 4, shall, on order of the State Controller, be deposited in the Vocational Rehabilitation Federal Fund.

Appropriation

5804. All money in the Vocational Rehabilitation Federal Fund is hereby appropriated to the State Department of Education, without regard to fiscal years, for expenditure for the purposes for which the money deposited therein is made available by the United States for expenditure by the State.

Expenditures

5805. The Director of Finance and the State Controller may approve any general plan whereby:

(a) Any expenditures which are a proper charge against money made available by the United States and deposited in the Vocational Rehabilitation Federal Fund may be paid in the first instance from any appropriation from the General Fund, expenditures from which are administered under the provisions of Chapter 12 of Division 4; and

(b) The General Fund shall be reimbursed for expenditures made therefrom that are a proper charge against the Vocational Rehabilitation Federal Fund.

Such a general plan may provide for advance transfers from the Vocational Rehabilitation Federal Fund to the General Fund, basing all estimates of such expenditures that will be subject to reimbursement from the Vocational Rehabilitation Federal Fund pursuant to such plan, and may provide for reimbursements to the Vocational Rehabilitation Federal Fund, when necessary.

Request for reimbursement or transfer pursuant to such a plan shall be furnished to the State Controller in writing by the Department of Education, accompanied by such financial statements as the plan may provide; and on order of the State Controller, the required amount shall be transferred in accordance therewith.

5806. Money in the Vocational Rehabilitation Federal Fund shall be expended as provided by this article, as requisitioned by the Department of Education in carrying out the provisions of this code relating to vocational rehabilitation, the federal act, the rules and regulations of the State Board of Education.

SEC. 5.5. Section 9123 is added to said code, to read:

Adult blind instruction

9123. The Department of Education may appoint field officers or home teachers to teach handicrafts to the adult blind of the State, and to give them such other instruction as may ameliorate their condition.

SEC. 6. Chapter 12 is added to Division 4 of said code, to read:

CHAPTER 12. VOCATIONAL REHABILITATION

Article 1. General Provisions

Policy

9850. It is the public policy of this State to encourage and assist physically and mentally handicapped persons to achieve the maximum degree of self-support, and for that purpose to make adequate provision for such services as will enable them to prepare for and engage in remunerative employment to the maximum extent of their capabilities. This policy should be carried out by strengthening the existing program of vocational rehabilitation, by adding such services as will enable the greatest number of disabled persons to become self-supporting, and by the establishment of this service upon an adequate legal basis in the laws of this State.

Acceptance of federal act

9851. The people of the State accept the provisions and benefits of the act of Congress entitled "an act to provide for the promotion of vocational rehabilitation of persons disabled

in industry or otherwise and their return to civil employment," approved June 2, 1920, and as the same has been amended.

9852. In accepting the provisions and benefits of the act of Congress referred to in Section 9851, the people of the State agree to observe and comply with all of its requirements.

Definitions

9853. "Department" means Department of Education

9854. "Bureau" means the Bureau of Vocational Rehabilitation in the State Department of Education.

9855. "Executive Officer" means the Director of Education who is the Executive Officer of the State Board of Education.

9856. "Employment handicap" means a physical or mental condition which constitutes, contributes to, or if not corrected will probably result in, an impairment of occupational performance.

9857. "Disabled individual" means any person who has a substantial employment handicap.

9858. "Vocational rehabilitation" and "vocational rehabilitation services" means any service, provided directly or through public or private instrumentalities, provided to a disabled individual to compensate for his employment handicap and to enable him to engage in a remunerative occupation, including, but not limited to, medical and vocational diagnosis, vocational guidance, counseling and placement, rehabilitation training, physical restoration, transportation, occupational and business licenses, equipment, initial stocks and supplies, including livestock, maintenance, and instructional supplies and equipment which the department may permit to be retained by any trainee to whom furnished if essential to permit him to enter upon and follow an occupation.

9859. "Rehabilitation training" means all necessary training provided to a disabled individual to compensate for his employment handicap including, but not limited to, manual, preconditioning, prevocational, vocational, and supplementary training and training provided for the purpose of developing occupational skills and capacities.

9860. "Physical restoration" means any medical, surgical, or therapeutic treatment necessary to correct or substantially reduce a disabled individual's employment handicap within a reasonable length of time including, but not limited to, medical, psychiatric, dental, and surgical treatment, nursing service, hospital care, drugs, medical and surgical supplies, and prosthetic appliances, but excluding curative treatment for acute or transitory condition.

9861. "Prosthetic appliance" means any artificial device necessary to support or take the place of a part of the body or to increase the acuity of a sense organ.

9862. "Occupational licenses" means any licenses, permit, or other written authority required by any governmental unit to be obtained in order to engage in an occupation

9863. "Maintenance" means money payment not exceeding the estimated cost of subsistence during the provision of vocational rehabilitation or rehabilitation services. It further in-

cludes amounts, in cash or in kind, to cover the cost, if any, of short periods of medical care for acute conditions arising during the provision of vocational rehabilitation or rehabilitation services.

9864. An "industrial rehabilitation workshop" means an establishment that is operated for the primary purpose of providing remunerative employment, prevocational, exploratory, employment training or conditioning for employment to persons who cannot be absorbed in the competitive labor market due to physical or mental handicaps. Employment may be offered through the manufacture and sale of products by the workshop or through the subcontracting of work from other government agencies or from private industry. Handicapped persons employed in such workshops shall be paid wages based upon the unit value of the work produced comparable to the wages paid in private industry for similar units of work.

9865. "Blind person" means either a person who has not more than 20/200 central visual acuity in the better eye after correction, or a person who has visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

Article 2. Administration

9891. The State Board of Education shall administer this chapter through the Department of Education. Department of Education

9892. The department shall direct its program of vocational rehabilitation through the director. Director

9893. The department shall provide the services defined authorized by this chapter to the physically or mentally impaired, including the blind, determined to be eligible therefor. Powers and duties

9894. The department may cooperate with other departments, agencies, and institutions, both public and private, in providing the services authorized by this chapter to impaired individuals, in studying the problems involved therein, and in establishing, developing, and providing, in conformity with the purposes of this chapter, such programs, facilities, and services as may be necessary or desirable.

9895. The department may enter into reciprocal agreements with other states to provide for the services authorized by this chapter to residents of the state concerned.

9896. The department may conduct research and compile statistics relating to the provision of services or the need of services by impaired individuals.

9897. The department may prepare and promulgate regulations and statements of policy governing the protection of records and confidential information, the manner and form of filing applications, eligibility and investigation and determination thereof, for vocational rehabilitation services, procedure for fair hearings and such other regulations and policies as are found necessary to carry out the purposes of this chapter.

9898. The department and the Industrial Accident Commission shall formulate a plan of cooperation for the referral and rehabilitation of persons in industry.

9899. The department may utilize funds made available from appropriations by Congress, by gifts or grants from private sources or by state appropriations, or both, or by transfer of funds from other state departments subject to usual budgetary controls for the purpose of establishing and operating workshops, or of cooperating with other public or private agencies for this purpose.

9900. Pursuant to agreements the department shall cooperate with the Federal Government in carrying out the purposes of any federal statutes pertaining to the purposes of this chapter and may adopt such methods of administration found necessary by the Federal Government for the proper and efficient operation of such agreements or plans for vocational rehabilitation and may comply with such conditions as may be necessary to secure the full benefits of such federal statutes.

Article 3. Eligibility for Services

Vocational rehabilitation eligibility

9931. Vocational rehabilitation services may only be provided any disabled individual 16 years of age or over:

(a) For whom it has been determined vocational rehabilitation may be satisfactorily achieved;

(b) Who has resided within the State for one year, or who is eligible therefor under terms of an agreement with another state or the Federal Government;

(c) Who is found to be in financial need with respect to rehabilitation services, except that counseling, rehabilitation training, and job placement shall be made available without regard to financial need.

Disposition of fund

SEC. 7. All money in the Vocational Rehabilitation Fund on the effective date of this act shall be disposed of as follows:

(a) All money in said fund that was derived from money appropriated by the State from the General Fund, the expenditure of which is administered under the provisions of Chapter 12 of Division 4 of the Education Code, shall, on order of the State Controller, be transferred from the Vocational Rehabilitation Fund to the General Fund, and shall be credited to the appropriation in the latter fund from which such money was originally derived. The unexpended balance of each such General Fund appropriation shall continue to be available for expenditure for the purposes for which such appropriation was made, and shall be subject to all of the provisions making such appropriation.

(b) All money in the Vocational Rehabilitation Fund that was derived from grants of money received by the State from the United States, the expenditure of which is administered through or under the provisions of Chapter 12 of Division 4 of the Education Code, shall, on order of the State Controller, be transferred from the Vocational Rehabilitation Fund to the

Vocational Rehabilitation Federal Fund, and shall be available for expenditure from the latter fund, without regard to fiscal years, for the purposes for which it is made available by the United States.

SEC. 7.5. It is specifically provided that this act is not intended to and shall not be construed so as to affect in any way administratively or otherwise any existing program for the blind including the orientation program, the field program, the field service, the business enterprise and vending stand program and the workshops operated by the California Industries for the Blind. These existing programs are to remain administered exclusively for the blind and are not to be utilized for the care, orientation, training, rehabilitation or employment of handicapped persons who are not blind except as specifically provided in the law relating to such existing program. Construction

SEC. 8. This act shall become effective October 1, 1953. Operative date

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CHAPTER 1648

An act to amend Section 19258 of the Government Code, relating to the personnel of the state civil service.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.] In effect September 9 1953

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

SECTION 1. Section 19258 of the Government Code is amended to read:

19258. The department in which an employee is employed may pay the cost of replacing or repairing eyeglasses, hearing aids, dentures, watches or articles of clothing necessarily worn or carried when damaged in the line of duty where such damage results from any act of a person committed to or confined in any state facility, or institution of the State of California under the jurisdiction of the Department of Corrections, the Youth Authority, or the Department of Mental Hygiene; or where such damage results from any act of a blind, deaf, or palsied student or patient in any facility operated by the Department of Education for the blind, deaf or cerebral palsied. If the eyeglasses, hearing aids, dentures, watches or clothes are damaged beyond repair, the department may pay the actual value of such eyeglasses, hearing aids, dentures, watches or clothing as is determined by the Department of Finance. The value of such eyeglasses, hearing aids, dentures, watches or clothing shall be determined as of the time of the damage thereto. Reimbursement for damaged property

CHAPTER 1649

An act to amend Sections 20215 and 20218 of the Government Code, relating to the State Employees' Retirement System.

In effect September 9, 1953

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 20215 of the Government Code is amended to read:

Real property investments

20215. Notwithstanding any other provision of law the board may, subject to the provisions of this article, invest the money in the Retirement Fund in real property or improvements constructed or to be constructed on real property when the real property or such improvements are acquired or made by the board for sale or lease to the State. The retirement system shall have a prior claim on office space located on the real property at the time of initial occupancy of the office space and at all times thereafter. The system and any other authorized state agency shall pay the same rent for the office space each occupies as would be paid by an agency not an investor in the real property or its improvements. Costs and expenses necessarily incurred in connection with such investments, including but not limited to the costs of preliminary plans, surveys, and negotiations, shall be a proper charge against the fund and shall be included in the investment total

The Department of Finance shall supervise, maintain, and repair any improvements constructed under the provisions of this article in the same manner as is customarily supplied and afforded to state buildings by said department. The cost of such maintenance and repair shall be paid out of rentals received from any state agency occupying space within such improvements.

SEC. 2. Section 20218 of the Government Code is amended to read:

Lease agreement

20218. Before an investment in real property is made under this article the board shall enter into a lease agreement with the State, which shall be executed by or be subject to the approval of the Director of Finance, under which the State agrees to rent the property for a period not to exceed 40 years. The rental shall be sufficient to return to the Retirement Fund not less than the amount of the investment together with interest at such rate as the agreement may specify. The agreement may contain an option or options to purchase, which option or options shall provide that upon exercise of such option the State shall pay to the Retirement Fund a sum which together with the rentals already paid will return not less than the investment plus interest to the date the option is effective, at the specified rate.

Office building site and plans

SEC. 2. The State Employees' Retirement System is authorized to invest, in accordance with Section 20215 of the Government Code, not to exceed three hundred thousand dollars

($300,000) for the acquisition of a site, pursuant to the Property Acquisition Act, and the preparation of preliminary plans for an office building for said agency.

CHAPTER 1650

An act to amend Sections 3431, 3461, 3462, 3491, 3492, and 3661 of the Education Code, to repeal Section 3670 and Articles 7, 8, and 11 of Chapter 11 of Division 2 of said code, and to add Section 3661 15 to said code, relating to high school district organization.

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 3431 of the Education Code is amended to read:

3431. (a) A majority of the registered electors residing in a single elementary school district in which there are resident 1,000 or more pupils enrolled in grades 9 through 12, as shown by the last reports of the teachers in the school districts attended, may unite in a petition for the formation of a high school district under a name specified in the petition. They shall present the petition to the superintendent of schools of the county, or in case of a joint school district to the superintendent of schools of the county in which the greater number of electors of the district reside.

High school district Formation petition

(b) A high school district may be formed to comprise a single elementary school district having less than 1,000 pupils resident therein enrolled in grades 9 through 12, but may be effected only as a reorganization under Chapter 16 of this division.

SEC. 2. Section 3461 of said code is amended to read:

3461. A high school district comprising two or more elementary school districts lying wholly in the same county shall be known as a union high school district, and such designation shall be part of its name.

Union high school district

SEC. 3. Section 3462 of said code is amended to read:

3462. (a) A majority of the registered electors residing in each of two or more contiguous elementary school districts in the same county, having resident in the aggregate 1,000 or more pupils enrolled in grades 9 through 12 as shown by the last reports of the teachers of the school districts attended, may unite in a petition to the superintendent of schools of the county, for the formation of a union high school district under a name specified in the petition. The person securing the signatures to any such petition shall attach an affidavit thereto that all persons who signed the petition did so in the presence of the affiant and that each signature is the genuine signature of the person whose name it purports to be. The superintendent of schools shall,

Formation petition

within 20 days after receiving the petition, verify the signatures thereto, and if he finds them sufficient, call an election for the determination of the question. He shall appoint three qualified electors in each of the districts petitioning, to conduct the election.

(b) No petition shall be accepted by the superintendent of schools after December 15th in any fiscal year.

(c) A union high school district may be formed to comprise two or more elementary school districts having less than an aggregate of 1,000 pupils resident therein enrolled in grades 9 through 12, but may be effected only as a reorganization under Chapter 16 of this division.

SEC. 4. Section 3491 of said code is amended to read:

Joint union high school district:

3491. A high school district comprising two or more elementary school districts lying wholly or in part in more than one county shall be known as a joint union high school district and such designation shall be part of its name.

SEC. 5. Section 3492 of said code is amended to read:

Formation petition

3492. (a) A majority of the registered electors residing in each of two or more contiguous elementary school districts lying in whole or in part in more than one county, having resident in the aggregate 1,000 or more pupils enrolled in grades 9 through 12 as shown by the last reports of the teachers of the school districts attended, may unite in a petition to the superintendent of schools of the county who will have jurisdiction over the joint union high school district if formed for the formation of a joint union high school district, under a name specified in the petition. The superintendent shall within 20 days after receipt of the petition, verify the signatures, and, if he finds them sufficient, the same proceeding shall be had on the petition as in the case of the formation of a union high school district, except that the county superintendent of schools shall file his certificate of the result of the election with the county clerk in each county in which any part of the joint union high school district is situated.

(b) A joint union high school district may be formed to comprise two or more elementary school districts having less than an aggregate of 1,000 pupils resident therein enrolled in grades 9 through 12, but may be effected only as a reorganization under Chapter 16 of this division.

Repeals

SEC. 6. Articles 7, 8, and 11 of Chapter 11 of Division 2 of said code are repealed.

SEC. 7. Section 3661 of said code is amended to read:

Formation petition

3661. (a) A majority of the registered electors residing in each of one or more elementary, union elementary, or joint union elementary school districts which are part of one or more high school districts, may present to the county superintendent of schools who has jurisdiction over the elementary school districts or a majority thereof, a petition asking for the organization of a union or joint union high school district, as the case may be, to include all of the elementary school districts represented in the petition, provided the following conditions exist:

(1) There are resident in the districts 1,000 or more pupils enrolled in grades 9 through 12 as shown by the last reports of the teachers of the school districts attended, and

(2) The assessed valuation of the districts totals twenty million dollars ($20,000,000) or more.

The petition shall specify the name of the proposed union or joint union high school district. The person securing the signatures to any such petition shall attach an affidavit thereto that all persons who signed the petition did so in the presence of the affiant and that each signature is the genuine signature of the person whose name it purports to be. The county superintendent of schools shall, within 20 days after receiving the petition, verify the signatures and, if he finds them sufficient, submit the petition to the State Board of Education for approval.

(b) No petition shall be accepted by the superintendent of schools after December 15th in any fiscal year.

(c) A high school district may be formed to comprise one or more elementary school districts meeting the conditions set forth in subsection (a) except having in the aggregate less than 1,000 pupils resident therein enrolled in grades 9 through 12, but may be effected only as a reorganization under Chapter 16 of this division.

SEC. 8 Section 3661.15 is added to said code, to read:

Minimum territory valuation and attendance

3661.15. The petition shall not be approved by the State Board of Education (a) unless it appears from a certified statement of the county assessor of the county or counties within which the high school districts are situated from which the elementary, union elementary, or joint union elementary school districts are withdrawing, that the assessed valuation of the territory remaining in each high school district after the withdrawal of the elementary, union elementary, or joint union elementary school districts will be in excess of twenty million dollars ($20,000,000), and (b) unless it appears from a certified statement of the county superintendent of schools having jurisdiction over the high school districts that the average daily attendance in the high schools of each high school district after the withdrawal of the elementary, union elementary, or joint union elementary school districts will be in excess of 1,000.

CHAPTER 1651

An act to amend Sections 4039 and 4256 of the Business and Professions Code, relating to the practice of pharmacy and licenses and permits issued therefor.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 4039 of the Business and Professions Code is amended to read:

Pharmacy permits

4039. Each application to conduct a pharmacy shall be made on a form furnished by the board. Upon the approval of such application by the board and paying the fee required by this chapter for each pharmacy, the secretary of the board shall issue a permit to conduct a pharmacy under the provisions of Section 4038, if all of the provisions of this chapter have been complied with. Any other provision of law notwithstanding, such permit shall authorize the holder to conduct a pharmacy and to sell and dispense prophylactics, hypodermics, and hypnotics. The permit shall be renewed annually on or before November 1st of each year and shall not be transferable.

SEC 2. Section 4256 of said code is amended to read:

Fees and penalties

4256. The amount of fees and penalties prescribed by this chapter is that fixed by the following schedule:

(a) The fee for a permit to conduct a pharmacy shall be fixed by the board at an amount not to exceed twelve dollars ($12) for each pharmacy

(b) The annual fee for a renewal of the permit to conduct a pharmacy shall be fixed by the board at an amount not to exceed twelve dollars ($12) for each pharmacy

(c) The annual fee for a permit for a general dealer in a rural district is five dollars ($5).

(d) The fee for any applicant for registration is twenty-five dollars ($25) This subsection shall not become effective until August 1, 1949.

(e) The additional fee for the issuance of a certificate to any licentiate, who is found by the board on examination to be entitled to a certificate, is fifteen dollars ($15).

(f) The fee for the reissuance of a certificate is five dollars ($5).

(g) The annual renewal fee for a registered pharmacist may be fixed by the board at an amount not to exceed the sum of eight dollars ($8).

(h) The fee for a wholesaler is five dollars ($5).

(i) The fee for a manufacturer is five dollars ($5).

(j) The fee for a hypodermic license is one dollar ($1).

(k) The annual fee for hypnotic license is five dollars ($5)

(l) The annual fee for an analytical toxicologist is ten dollars ($10).

(m) The penalty for failure to pay any annual renewal fee may be fixed by the board at an amount not to exceed the sum of ten dollars ($10).

CHAPTER 1652

An act to amend Sections 31595, 31966 and 32271 of the Government Code, relating to the organization, operation, and maintenance of a system of state and local government.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 31595 of the Government Code is amended to read:

31595. All funds received by the county treasurer not required for current disbursements shall be invested only in:

Legal investments County treasurer

(a) Securities which are legal for savings bank investments in the State or which have been certified as legal investments for savings banks pursuant to Division 10 of the Water Code, or any bonds which, pursuant to the statutes or laws providing for the issuance of such bonds are entitled to the same force or value or use as bonds issued by any municipality, or any bonds issued pursuant to those acts, statutes or laws of this State wherein such law specifically states by reference or otherwise that such bonds shall be legal investments for either savings banks, insurance companies, all trust funds, 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, or any bonds which have been investigated and approved by a commission or board now or hereafter authorized by law to conduct such investigation and give such approval and by authority of which said bonds are declared to be legal investments for insurers.

(b) Deposits at interest in any state or national bank in accordance with law authorizing and controlling the deposit of public funds in banks

(c) Certificates and shares of a building and loan association or a federal savings and loan association if the certificates or shares are insured as defined in Title IV of the National Housing Act.

(d) Registered warrants of any political subdivision of this State.

(e) Real property or improvements constructed or to be constructed on real property when such real property or such improvements are acquired for sale or lease to the county in which the retirement system is established and subject to the limitations of this article.

(f) Deeds of trust, mortgages, common stock, preferred stock and investment trusts. Not to exceed 10 percent of all funds invested may be invested pursuant to this subdivision. Such investment may be made by the retirement board with the approval of the board of supervisors of said county.

SEC. 2. Section 31966 of said code is amended to read:

31966. The board shall invest and reinvest the funds of the system, and may from time to time sell any securities held by

Peace Officers' Retirement Board

it and invest and reinvest the proceeds therefrom and all unappropriated income of the funds. All funds received by it not required for current disbursements shall be invested only in:

(a) Securities which are legal for savings bank investments or which have been certified as legal investments for savings banks pursuant to Division 10 of the Water Code, or any bonds which, pursuant to the statutes or laws providing for the issuance of such bonds are entitled to the same force or value or use as bonds issued by any municipality, or any bonds issued pursuant to those acts, statutes or laws of this State wherein such law specifically states by reference or otherwise that such bonds shall be legal investments for either savings banks, insurance companies, all trust funds, 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, or any bonds which have been investigated and approved by a commission or board now or hereafter authorized by law to conduct such investigation and give such approval and by authority of which said bonds are declared to be legal investments for insurers.

(b) Obligations issued pursuant to Title IV of the National Housing Act, approved June 27, 1934.

(c) Shares, share accounts, or investment certificates of any building and loan association or savings and loan association which has the protection provided by Title IV of the National Housing Act, approved June 27, 1934, to the extent of such insurance protection.

(d) Deposits at interest in any state or national bank doing business with the county pursuant to the law authorizing and controlling the deposit of public funds in banks.

SEC. 3. Section 32271 of said code is amended to read:

Fire Service Retirement Board

32271. The board shall invest and reinvest the funds of the system, and may from time to time sell and invest and reinvest the proceeds of any securities held by it and invest and reinvest all unappropriated income of the funds. All funds received by it not required for current disbursements shall be invested only in:

(a) Securities which are legal for savings bank investments or which have been certified as legal investments for savings banks pursuant to Division 10 of the Water Code, or any bonds which, pursuant to the statutes or laws providing for the issuance of such bonds are entitled to the same force or value or use as bonds issued by any municipality, or any bonds issued pursuant to those acts, statutes or laws of this State wherein such law specifically states by reference or otherwise that such bonds shall be legal investments for either savings banks, insurance companies, all trust funds, 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, or any bonds which have been investigated and approved by a commission or board now or hereafter authorized by law to conduct such investigation and give such approval and by authority of which said bonds are declared to be legal investments for insurers.

(b) Deposits at interest in any state or national bank doing business with the county pursuant to law authorizing and controlling the deposit of public funds in banks.

CHAPTER 1653

An act to amend Sections 1175, 1193 and 1194.5 of, and to add Section 1175.5 to, the Insurance Code, relating to insurance principles, practices and business and matters incidental thereto.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1175 of the Insurance Code is amended to read:

Legal investments for insurers. Road division, etc., bonds

1175. Such insurers may invest in bonds of any permanent road division in this State, or any district organized under the laws of this State, when such bonds are legal investments for savings banks of this State, or have been certified as legal investments for savings banks pursuant to Division 10 of the Water Code, or when the statutes or laws providing for the issuance of such bonds provide that such bonds shall be entitled to the same force or value or use as bonds issued by any municipality, or such law specifically states that such bonds shall be legal investments for either savings banks, insurance companies, all trust funds, state school funds or any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the State, or when such bonds have been investigated and approved by a commission or board now or hereafter authorized by law to conduct such investigation and give such approval when such law specifies that upon such approval said bonds are legal investments for insurers, or which the commissioner approves in writing as legal for investment of the funds of insurers. The commissioner in determining whether to approve any bonds as legal investments which do not otherwise qualify as such pursuant to any part of this code, shall, at the expense of any insurer requesting approval, make an adequate independent investigation of such bonds and the security therfor. A copy of the data secured in such investigation and the resulting opinion of the commissioner shall be furnished to the insurer.

SEC. 2. Section 1175.5 is added to said code, to read:

Water district bonds

1175.5. Such insurers may invest in bonds of any county water district operating under Division 12 of the Water Code.

SEC. 3. Section 1193 of said code is amended to read:

Excess funds investments. Road division, etc., bonds

1193. Excess funds investments may be made in bonds of any permanent road division, or any district of any state when such bonds are legal investments for savings banks of this State,

or have been certified as legal investments for savings banks pursuant to Division 10 of the Water Code, or when the statutes or laws providing for the issuance of such bonds, provide that such bonds shall be entitled to the same force or value or use as bonds issued by any municipality, or such law specifically states that such bonds shall be legal investments for either savings banks, insurance companies, all trust funds, state school funds or any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the State, or when such bonds have been investigated and approved by a commission or board now or hereafter authorized by law to conduct such investigation and give such approval when such law specifies that upon such approval said bonds are legal investments for insurers, or which the commissioner approves in writing as legal for investment of the funds of insurers. The commissioner in determining whether to approve any bonds as legal investments which do not otherwise qualify as such, shall make, upon the request of any insurer, at such insurer's expense, an investigation and finding as provided for in Section 1175.

SEC. 4. Section 1194.5 of said code is amended to read:

City, etc., bonds

1194.5. Excess funds investments may be made in bonds issued by any city or city and county of any state, or which have been certified as legal investments for savings banks pursuant to Division 10 of the Water Code, or when the statutes or laws providing for the issuance of such bonds, provide that such bonds shall be entitled to the same force or value or use as bonds issued by any municipality, or such law specifically states that such bonds shall be legal investments for either savings banks, insurance companies, all trust funds, state school funds or any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the State, or in bonds issued by any department or board of such city or city and county, or by any district, state or governmental agency or authority, payable solely out of the revenues from a revenue producing utility owned, controlled or operated by the issuer of such bonds, if the particular bonds are legal investments for savings banks in this State, or when such bonds have been investigated and approved by a commission or board now or hereafter authorized by law to conduct such investigation and give such approval when such law specifies that upon such approval said bonds are legal investments for insurers, or which the commissioner approves in writing as legal for investments of the funds of insurers. The commissioner in determining whether to approve any bonds as legal investments, which do not otherwise qualify as such, shall make, upon request of any insurer, at such insurer's request, an investigation and finding as provided for in Section 1175.

CHAPTER 1654

An act to add Section 34.5 to the Civil Code, relating to hospital and medical care for unmarried, pregnant minors.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 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 Civil Code, to read:

34.5. Notwithstanding any other provision of the law, an unmarried, pregnant minor may give consent to the furnishing of hospital, medical and surgical care related to her pregnancy, and such consent shall not be subject to disaffirmance because of minority. The consent of the parent or parents of an unmarried, pregnant minor shall not be necessary in order to authorize hospital, medical and surgical care related to her pregnancy.

Pregnancy care for minors

CHAPTER 1655

An act to add Section 177 to the Revenue and Taxation Code, relating to proceedings based on alleged invalidity or irregularity of tax deeds.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 177 is added to the Revenue and Taxation Code, to read:

177. (a) A proceeding based on an alleged invalidity or irregularity of any deed heretofore or hereafter issued upon the sale of property by any taxing agency, including taxing agencies which have their own system for the levying and collection of taxes, in the enforcement of delinquent property taxes or assessments, or a proceeding based on an alleged invalidity or irregularity of any proceedings leading up to such deed, can only be commenced within one year after the date of recording of such deed in the county recorder's office or within one year after June 1, 1954, whichever is later.

Procedural limitations

(b) A defense based on an alleged invalidity or irregularity of any deed heretofore or hereafter issued upon the sale of property by any taxing agency, including taxing agencies which have their own system for the levying and collection of taxes, in the enforcement of delinquent property taxes or assessments, or a defense based on an alleged invalidity or irregularity of any proceedings leading up to such deed, can only be maintained in a proceeding commenced within one year after the date of recording of such deed in the county recorder's office or within one year after June 1, 1954, whichever is later.

(c) Sections 351 to 358, inclusive, of the Code of Civil Procedure do not apply to the time within which a proceeding may be brought under the provisions of this section.

(d) Nothing in this section shall operate to extend the time within which any proceeding based on the alleged invalidity or irregularity of any tax deed may be brought under any other section of this code.

(e) This section shall not apply to any deed issued by a taxing agency within five years from the time the property was sold to said taxing agency.

CHAPTER 1656

An act to amend Section 6006 of, and to add Sections 6094.5, 6247, and 7154 to, the Revenue and Taxation Code, relating to sales and use taxes.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 6006 of the Revenue and Taxation Code is amended to read:

"Sale"

6006. "Sale" means and includes:

(a) Any transfer of title or possession, exchange, barter, lease, or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration. "Transfer of possession," "lease," or "rental" includes only transactions found by the board to be in lieu of a transfer of title, exchange, or barter.

(b) The producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(c) The furnishing and distributing of tangible personal property for a consideration by social clubs and fraternal organizations to their members or others.

(d) The furnishing, preparing, or serving for a consideration of food, meals, or drinks.

(e) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(f) A transfer for a consideration of the title or possession of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

SEC. 2. Section 6094.5 is added to the Revenue and Taxation Code, to read:

Illegal use of resale certificate. Misdemeanor

6094.5. Any person who gives a resale certificate for property which he knows at the time of purchase is not to be resold

by him in the regular course of business for the purpose of evading payment to the seller of the amount of the tax applicable to the transaction is guilty of a misdemeanor.

SEC. 3. Section 6247 is added to the Revenue and Taxation Code, to read:

6247. On and after the effective date of this section, it shall be further presumed that tangible personal property delivered outside this State to a purchaser known by the retailer to be a resident of this State was purchased from a retailer for storage, use or other consumption in this State and stored, used or otherwise consumed in this State. Presumption

This presumption may be controverted by a statement in writing, signed by the purchaser or his authorized representative, and retained by the vendor, that the property was purchased for use at a designated point or points outside this State. This presumption may also be controverted by other evidence satisfactory to the board that the property was not purchased for storage, use, or other consumption in this State.

SEC. 4. Section 7154 is added to the Revenue and Taxation Code, to read:

7154. Any prosecution for violation of any of the penal provisions of this part shall be instituted within three years after the commission of the offense. Limitation

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CHAPTER 1657

An act to amend Section 25365 of the Government Code, relating to the conveyance or exchange of real property by boards of supervisors.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.] In effect September 9, 1953

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

SECTION 1. Section 25365 of the Government Code is amended to read:

25365. After publishing a notice of its intended action for at least one week, in a newspaper of general circulation published in the county, the board of supervisors may, by a four-fifths vote, grant and convey or quitclaim to the State or to any city, school district, irrigation, flood control or other special district within the county or exchange with such public entities, any real property belonging to the county upon such terms and conditions as are agreed upon and without complying with any other provisions of this code if the property to be granted and conveyed or quitclaimed is not required for county use or in the event of an exchange, the property to be acquired is required for county use. The board of supervisors may also, by a four-fifths vote, exchange real property of equal value with any person, firm, or corporation, for the purpose of removing defects in the title to real property owned by the county. Real property transactions

CHAPTER 1658

An act to amend Section 11101 of the Elections Code, relating to municipal elections.

In effect September 9, 1953

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 11101 of the Elections Code is amended to read:

Recall petitions

11101. A petition demanding the recall of the officer sought to be recalled shall be filed with the clerk of the legislative body of the city. The petition shall be signed by not less than 12 percent of the voters of the city.

CHAPTER 1659

An act to amend Section 6588 of the Health and Safety Code, relating to nomination petitions for sanitary district officer elections.

In effect September 9, 1953

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 6588 of the Health and Safety Code is amended to read:

Nomination petitions

6588. A nominating petition may be presented to the secretary not earlier than 60 nor less than 40 days before the election.

CHAPTER 1660

An act to add Section 6588.1 to the Health and Safety Code, relating to elections in sanitary districts.

In effect September 9, 1953

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

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

SECTION 1. Section 6588.1 is added to the Health and Safety Code, to read:

Cancellation of election

6588.1. If, on the fortieth day prior to the day fixed for the district general election, only one person has been nominated for each office of member of the board of directors to be filled at that election, or no one has been nominated for such office, and if on the thirtieth day prior to the day fixed for the election a petition signed by 5 percent of the qualified electors in the district, requesting that the district general election in

the district be held, has not been presented to the board of directors of the district, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the district, or a greater portion thereof, is situated at a regular or special meeting held prior to the day fixed for the election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a district general election.

In such instances notices shall be posted in three public places in the district at least 10 days before the date fixed for the election, which notices shall state that no election is to be held and that the board of supervisors will appoint, or has appointed, a member or members of the board of directors to serve for the ensuing term.

CHAPTER 1661

An act to amend Section 6581 of the Health and Safety Code, relating to the election of officers of sanitary districts.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 6, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6581 of the Health and Safety Code is amended to read:

6581. Not less than 60 days before the day of the election the board shall give notice of the election by posting notices in three public places in the district.

Election notice

The notices shall specify the time and place of election, the hours during which the polls will be kept open, and the officers to be elected.

CHAPTER 1662

An act to add Sections 39.9 and 424 to the Fish and Game Code, relating to hunting licenses.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 39.9 is added to the Fish and Game Code, to read:

Use of firearms

39.9. The department shall furnish information on the safe handling of firearms which shall be distributed free of charge to applicants for hunting licenses by the persons appointed and authorized to issue such licenses.

SEC. 2. Section 424 is added to said code, to read:

Licensees under 16 years

424. No hunting license shall be issued to any person under the age of 16 years unless he presents to the person authorized to issue such license either (a) evidence that he has held a hunting license issued by this State in a prior year or (b) a certificate of competency as provided in this section. The department shall provide for a course of instruction in the safe handling of firearms and for the purpose may cooperate with any reputable association or organization having as one of its objectives the promotion of safety in the handling of firearms. The department may designate any person found by it to be competent so to do to give instructions in the handling of firearms to persons under the age of 16 years. A person so appointed shall give such course of instruction and upon the successful completion thereof shall issue to the person instructed a certificate of competency in the safe handling of firearms.

Operative date

SEC. 3. This act shall become effective with the issuance of the 1954-55 hunting licenses.

CHAPTER 1663

An act to add Sections 526.5 and 526.6 to the Fish and Game Code, relative to protection of fish life in District 4½.

In effect September 9, 1953

[Approved by Governor July 4, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Section 526.5 is added to the Fish and Game Code, to read:

District 4½. Appropriations of water

526.5. The provisions of Section 526 shall not be applicable to dams constructed in District 4½ after the effective date of this section.

No permit or license to appropriate water in District 4½ shall be issued by the Department of Public Works after the effective date of this section unless conditioned upon full compliance with Section 525. Plans and specifications for any such dam shall not be approved by the Department of Public Works unless adequate provision is made for the full compliance with Section 525.

SEC. 2. Section 526.6 is added to the Fish and Game Code, to read:

Dam management

526.6. It is unlawful for the owner of a dam in District 4½ to release water from the dam, or any facilities for the generation of hydroelectric energy operated in connection therewith,

in varying flows in such a manner as to destroy fish life below such release.

SEC. 3. The provisions of Section 526.6 shall not be applicable to the operation of any hydroelectric generating facilities in connection with which there is under construction, on the effective date of this bill, a regulatory dam to control the flows below the point where water is released from such facilities, until such regulatory dam is completed, or June 30, 1955, whichever event occurs first. During any such period of construction prior to June 30, 1955, operation of any hydroelectric generating facilities shall be accomplished in such a manner as to cause the least possible variance in the flow of water released, consistent with the proper operation of the facilities. Exception

SEC. 4. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the provisions, or the application of such provision to other persons or circumstances, shall not be affected thereby. Constitutionality

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CHAPTER 1664

An act to amend Section 4939 of and add Section 4951 to the Public Resources Code, relating to district forest practice committees.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 7, 1953.] In effect September 9, 1953

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

SECTION 1. Section 4939 of the Public Resources Code is amended to read:

4939. The appointive members of the committee shall receive no compensation for their services but shall be entitled to a per diem allowance in an amount fixed by the State Board of Control in lieu of expenses incurred in connection with their service on the committee. Per diem allowance

SEC. 2. Section 4951 is added to said code, to read:

4951. Expenses incurred in the administration of the provisions of Chapter 10 of Division 4 of the Public Resources Code shall be paid from the support appropriation of the Division of Forestry. Administrative expenses

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CHAPTER 1665

An act to amend Section 20374 of the Education Code, relating to faculties and other employees of state colleges.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 7, 1953.] In effect September 9, 1953

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

SECTION 1. Section 20374 of the Education Code is amended to read:

Term of employment

20374. After the president, a member of the faculty, or other employee, has served successfully and acceptably in the college for a period of two years, his appointment thereafter may, at the discretion of the State Board of Education, be made for a term not to exceed four years, unless removed for cause.

CHAPTER 1666

An act to amend Sections 2037, 2081, 2400, 2401, 2402, 2403, 2651, 2684, 2685, 2700, 2761, 2765, 2781, 2785, 3302, 3325, 5001, 5075, 5077, 5079, 5080, 5081, 6025, and 6026 of, to add Sections 2081.5, 2699, 3302.5, 3306, 5003.5, and 6025.5 to, and to repeal Sections 2045.2, 2399, 2679, 2699, 2789, 2921, 2922, 6000, 6002, and 6107 of, the Penal Code, relating to the State Correctional System.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Section 2037 of said code is amended to read:

Deuel Vocational Institution

2037. There may be transferred to and confined in the Deuel Vocational Institution any male, subject to the custody, control and discipline of the Director of Corrections or the Youth Authority, whom the Director of Corrections or Youth Authority, as the case may be, believes will be benefited by confinement in such an institution. Whenever by reason of any law governing the commitment of a person to the Youth Authority or to an institution under the jurisdiction of the Youth Authority such person is deemed not to be a person convicted of a crime, the transfer or placement of such person in the Deuel Vocational Institution shall not affect the status or rights of the person and shall not be deemed to constitute a conviction of a crime. Section 644 of this code shall apply to any person who has served a term in the Deuel Vocational Institution after transfer thereto by the Director of Corrections.

SEC. 3. Section 2081 of said code is amended to read:

Register of institution violations

2081. The director shall cause to be kept at each institution a register of institution violations and what kind of punishments, if any, are administered to prisoners or inmates; the offense committed; the rule or rules violated; the nature of punishment administered; the authority ordering such punishment; the duration of time during which the offender was subjected to punishment; and the condition of the prisoner's health.

SEC. 4. Section 2081.5 is added to said code, to read:

Case records

2081.5. The Director of Corrections shall keep complete case records of all prisoners under custody of the department, which records shall be made available to the Adult Authority and the Board of Trustees of the California Institution for Women at such times and in such form as each board may prescribe.

Case records shall include all information received by the Director of Corrections from the courts, probation officers, sheriffs, police departments, district attorneys, State Department of Justice, Federal Bureau of Investigation, and other interested agencies and persons. Case records shall also include a record of diagnostic findings, considerations, actions and dispositions with respect to classification, treatment, employment, training, and discipline as related to the institutional correctional program followed for each prisoner.

The director shall appoint, after consultation with the Adult Authority, such employees of the various institutions under his control as may be necessary for the proper performance of the duties of the Adult Authority, and when requested shall also have in attendance at hearings of the Adult Authority, psychiatric or medical personnel. The director shall furnish, after consultation with the Adult Authority and the Director of Finance, such hearing rooms and other physical facilities at such institutions as may be necessary for the proper performance of the duties of the Adult Authority.

SEC. 5. Section 2400 of said code is amended to read:

Division of Adult Paroles

2400. There is, and shall continue to be, under the Adult Authority, a division known as the Division of Adult Paroles.

SEC. 6. Section 2401 of said code is amended to read:

Officers and employees

2401. (a) The Adult Authority shall be in charge of the division.

(b) There shall continue to be a Chief, Division of Adult Paroles who shall be appointed by the Adult Authority.

(c) All other officers and employees of the division shall be selected and appointed by the Adult Authority pursuant to the State Civil Service Act. The status, positions, and rights of the officers and employees of the Division of Adult Paroles, who were heretofore included in the State Civil Service System, shall not be affected by the transfer of the division to the Adult Authority and their status, positions, and rights shall continue to be retained by them pursuant to the State Civil Service Act.

(d) Such employees of the Adult Authority as are needed to carry out its functions shall be selected and appointed by the Adult Authority pursuant to the State Civil Service Act.

(e) Chapter 6 of Title 7, Part 3, relating to the employment of personnel by the department, does not apply to the Division of Adult Paroles or to the employees of the Adult Authority.

SEC. 7. Section 2402 of said code is amended to read:

Organization, duties, etc

2402 The Adult Authority shall organize the division.

SEC. 8. Section 2403 of said code is amended to read:

2403. The division shall perform such functions and duties as specified from time to time by the Adult Authority.

SEC. 9. Section 2651 of said code is amended to read:

Punishment

2651. No punishment, except as may be authorized by the Director of Corrections, shall be inflicted and then only by the order and under the direction of the wardens. Nothing in this section shall be construed as a limitation or impairment of the authority of the Adult Authority in exercising its functions.

SEC. 10. Section 2684 of said code is amended to read:

Transfer of insane prisoner

2684. If, in the opinion of the Director of Corrections, any insane person confined in a state prison may receive better treatment at any one of the state hospitals for the insane under the jurisdiction of the Department of Mental Hygiene, the Director of Corrections, with the approval of the Adult Authority, shall certify that fact to the superintendent of one of such hospitals, and he shall forthwith send the prisoner to such state hospital for care and treatment. The superintendent of the hospital shall receive the prisoner and keep him until he is cured.

SEC. 11. Section 2685 of said code is amended to read:

2685. Upon the receipt of a prisoner, as herein provided, the superintendent of the state hospital shall notify the Director of Corrections of that fact, giving his name, the date, the prison from which he was received, and from whose hands he was received. When in the opinion of the superintendent the insane prisoner is cured of insanity, he shall immediately notify the Director of Corrections of that fact. The Director of Corrections shall immediately send for, take and receive the prisoner back into prison. The time passed at the state hospital shall count as part of the prisoner's sentence. If at the expiration of the insane prisoner's sentence, he is still in the state hospital, he shall be allowed to remain there until discharged as cured.

Repeal

SEC. 12 Section 2699 of said code is repealed.

SEC. 13. Section 2699 is added to said code, to read:

"Board"

2699. "Board" as used in this chapter refers to the Director of Corrections.

SEC. 14. Section 2700 of said code is amended to read:

Prisoners' work programs

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.

Compensation

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 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 director 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 con-

nection 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.

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.

SEC. 15. Section 2761 of said code is amended to read:

Employment by Department of Public Works

2761. The Director of Corrections shall determine which prisoners shall be eligible for employment by the Department of Public Works in the construction, improvement and maintenance of state highways, and shall establish lists of prisoners eligible for such employment. Upon the requisition of said department, the Director of Corrections shall send to the place and at the time designated the number of prisoners requisitioned or such number thereof as have been determined to be eligible for such employment and are available.

The director may return to prison any prisoner transferred to camp pursuant to this section, when the need for such prisoner's labor has ceased or when the prisoner is guilty of any violation of the rules and regulations of the prison or camp.

SEC. 16. Section 2765 of said code is amended to read:

Forfeiture of wages

2765. When any prisoner shall wilfully violate the terms of his employment or the rules and regulations of the Department of Corrections, the Director of Corrections may in his discretion determine what portion of all moneys earned by the prisoner shall be forfeited by the said prisoner and such forfeiture shall be deposited in the State Treasury in a fund known as the Inmate Welfare Fund of the Department of Corrections.

SEC. 17. Section 2781 of said code is amended to read:

Eligibility

2781. The Director of Corrections shall determine which prisoners shall be eligible for employment under Section 2780, and shall establish and modify lists of prisoners eligible for such employment. Upon the requisition of an agency mentioned in Section 2780, the Director of Corrections may send to the place and at the time designated the number of prisoners requi-

sitioned or such number thereof as have been determined to be eligible for such employment and are available.

The director may return to prison any prisoner transferred to camp pursuant to this section, when the need for such prisoner's labor has ceased or when the prisoner is guilty of any violation of the rules and regulations of the prison or camp.

SEC. 18. Section 2785 of said code is amended to read:

Forfeiture of wages

2785. Whenever prisoners are paid for their labor under this article and a prisoner wilfully violates the terms of his employment or the rules of the camp or the Department of Corrections the Director of Corrections may in his discretion determine what portion of all moneys earned by the prisoner shall be forfeited by the prisoner and such forfeiture shall be deposited in the State Treasury in the fund known as the Inmate Welfare Fund of the Department of Corrections.

SEC. 19. Section 3302 of said code is amended to read:

Institution for Women trustees Terms

3302. The terms of office of the members of the board shall expire as follows: Two on March 15, 1955, one on March 15, 1956, and two on March 15, 1957. Their successors shall hold office for terms of four years and until the appointment and qualification of their successors, each term to commence on the expiration date of the term of the predecessor. Members shall be eligible for reappointment.

SEC. 20. Section 3302.5 is added to said code, to read:

Removal

3302.5. The Governor may remove any member of the board of trustees for misconduct, incompetency or neglect of duty after a full hearing by the Board of Corrections.

SEC. 21. Section 3306 is added to said code, to read:

Transaction of business

3306. The board of trustees may meet and transact business in panels. Each panel shall consist of at least two members of the board of trustees. Two members 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. 22. Section 3325 of said code is amended to read:

Powers and duties

3325. The board shall have such powers, perform such duties and exercise such functions, respecting such females convicted of felonies as the Adult Authority exercises over male prisoners, and the superintendent shall, subject to the control of the director, have such powers, perform such duties and exercise such functions, respecting such females convicted of felonies, as the wardens now exercise over male prisoners.

The Board of Trustees of the California Institution for Women may advise the Director of Corrections in the establishment of general policies for the operation and maintenance of the California Institution for Women and for the establishment of general policies for the care, custody, treatment, training, discipline and employment of those confined in the institution.

The director may advise the Board of Trustees of the California Institution for Women in the establishment of general policies relating to the functions and duties of the Board of Trustees of the California Institution for Women.

The director shall attend at least once annually a regular meeting of the board of trustees while the board is fixing sentences and release dates.

SEC. 23. Section 5001 of said code is amended to read:

5001. The department is composed of the Director of Corrections, the Board of Corrections, the Adult Authority, the Board of Trustees of the California Institution for Women, and the Correctional Industries Commission.

Composition of Department of Corrections

SEC. 24. Section 5003.5 is added to said code, to read:

5003.5. The Adult Authority is empowered to advise and recommend to the Director of Corrections on general and specific policies and procedures relating to the duties and functions of the director. The director is empowered to advise and recommend to the Adult Authority on matters of general and specific policies and procedures relating to the duties and functions of the authority. The director and the authority shall meet for purposes of exchange of information and advice. The director shall annually attend at least six Adult Authority hearings on fixing of sentences and release dates.

Cooperation of Adult Authority and Director of Corrections

It is the intention of the Legislature that the Adult Authority and the Director of Corrections shall cooperate with each other in the establishment of the classification, transfer, and discipline policies of the Department of Corrections, to the end that the objectives of the State Correctional System can best be attained. The director and the Adult Authority shall, not less than four times each calendar year, meet for the purpose of discussion of classification, transfer, and discipline policies and problems and it is the intent of the Legislature that whenever possible there shall be agreement on these subjects. But for the purpose of maintaining responsibility for the secure and orderly administration of the prison system, the Director of Corrections shall have the final right to determine the policies on classification, transfer and discipline.

In the event there is no agreement the Adult Authority shall file in writing with the Board of Corrections a statement of its proposals or recommendations to the director, and the director shall answer such statement in writing to the Adult Authority, and a copy of both documents shall be transmitted to the Governor and to the Board of Corrections.

SEC. 25 Section 5075 of said code is amended to read:

5075. The Adult Authority shall be composed of five members, each of whom shall be appointed by the Governor, with the advice and consent of the Senate, for a term of four years and until the appointment and qualification of his successor. Members shall be eligible for reappointment.

Composition of Adult Authority

The Chairman of the Adult Authority shall be designated by the Governor from time to time.

The terms of the members shall expire as follows: One on March 15, 1952, two on March 15, 1953, and two on March 15, 1955. Their successors shall hold office for terms of four years, each such term to commence on the expiration date of the term

of the predecessor. The Governor shall fill each vacancy for the balance of the unexpired term.

Persons appointed to the Adult Authority shall have a broad background in and ability for appraisal of law offenders and the circumstances of the offense for which convicted. Insofar as practicable members shall be selected who have a varied and sympathetic interest in corrections work including persons widely experienced in the fields of corrections, sociology, law, law enforcement, and education.

SEC. 26. Section 5077 of said code is amended to read:

Examination and classification of prisoners

5077. The Director of Corrections shall cause each person committed to a state prison to be examined and studied. This includes the investigation of all pertinent circumstances of his life and the antecedents of the violation of law because of which he has been committed to prison. Any person may be re-examined to determine whether existing orders and dispositions should be modified or continued in force.

Upon the basis of the examination and study, the Director of Corrections shall classify prisoners and determine the prison in which the prisoners shall be confined.

The granting and revocation of parole and the fixing of sentences shall be determined by the Adult Authority; provided, that the Adult Authority or one member thereof shall interview each prisoner at least once before the Adult Authority determines his sentence.

SEC. 27. Section 5079 of said code is amended to read:

Psychiatric and diagnostic clinic

5079. The Director of Corrections shall provide facilities and personnel for a psychiatric and diagnostic clinic and such branches thereof as may be required at one or more of the state prisons or institutions under the jurisdiction of the Department of Corrections He shall have full administrative authority and responsibility for operation of the clinics.

The work of the clinic shall include a scientific study of each prisoner, his career and life history, the cause of his criminal acts and recommendations for his care, training and employment with a view to his reformation and to the protection of society. The recommendation shall be submitted to the Director of Corrections and shall not be effective until approved by him. The Director of Corrections may modify or reject the recommendations as he sees fit.

SEC. 28. Section 5080 of said code is amended to read:

Transfer of prisoners

5080. The Director of Corrections may transfer persons confined in one state prison institution or facility of the Department of Corrections to another. The Adult Authority may request the Director of Corrections to transfer an inmate who is under its term-fixing or parole-granting jurisdiction if, after review of the case history in the course of routine procedures, such transfer is deemed advisable for the further diagnosis, and treatment of the inmate. The director shall as soon as practicable comply with such request, provided that, if facilities are not available he shall report that fact to the Adult Authority and shall make the transfer as soon as facilities become available; provided fur-

ther, that if in the opinion of the Director of Corrections such transfer would endanger security he may report that fact to the Adult Authority and refuse to make such transfer.

SEC. 29. Section 5081 of said code is amended to read:

5081. The Governor may remove any member of the Adult Authority for misconduct, incompetency or neglect of duty after a full hearing by the Board of Corrections. Removal of Adult Authority member

SEC. 30. Section 6025 of said code is amended to read:

6025. The Board of Corrections is composed of the director, the members of the Adult Authority and of the Youth Authority, two women selected from among its members by the board of trustees of the California Institution for Women and two qualified persons appointed by the Governor, with the advice and consent of the Senate. Board of Corrections Organization

The director shall be chairman of the Board of Corrections. The Board of Corrections shall select from its members a vice chairman who shall preside when the director is absent or is ineligible to act as a member of the Board of Corrections.

When the Board of Corrections is hearing charges against any member, the individual concerned shall not sit as a member of the board for the period of hearing of charges and the determination of recommendations to the Governor.

SEC. 31. Section 6025.5 is added to said code, to read:

6025.5. The Director of Corrections, Adult Authority, Board of Trustees of the California Institution for Women, the Youth Authority Board, and the Director of the Youth Authority shall file with the Board of Corrections for information of the board or for review and advice to the respective agency as the board may determine, all rules, regulations and manuals relating to or in implementation of policies, procedures, or enabling laws. Filing of rules, etc

SEC. 32. Section 6026 of said code is amended to read:

6026. The Board of Corrections shall be the means whereby the Department of Corrections and the Department of the Youth Authority may correlate their individual programs for the adults and youths under the jurisdiction of each. Correlation of programs

SEC. 33. Sections 2045.2, 2399, 2679, 2789, 2921, 2922, 6000, 6002, and 6107 of said code are repealed. Repeals

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CHAPTER 1667

An act to amend Section 637 of the Agricultural Code, relating to mixed milk or cream drinks.

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.] In effect September 9, 1953

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

SECTION 1. Section 637 of the Agricultural Code is amended to read:

637. Pasteurized market milk, pasteurized market cream, pasteurized skim milk derived from market milk, or milk solids Mixed milk or cream drinks

derived from market milk, combined with fruit or fruit juices, chocolate, chocolate syrups, or other harmless syrups, with or without the addition of harmless coloring material, shall be used in the manufacture and sale of any mixed milk or cream drink. Such product shall be so colored or contain ingredients that cause it to distinctly differ from milk in appearance and other characteristics.

CHAPTER 1668

An act relating to the sale, exchange, other disposition, or administration of state property, and providing for the disposition of the proceeds from such sale or exchange.

In effect September 9, 1953

[Approved by Governor July 4, 1953. Filed with Secretary of State July 7, 1953.]

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

Authorization to dispose of certain state property

SECTION 1. The Director of Finance is hereby authorized to sell, exchange or otherwise dispose of for value, and upon such terms and conditions and with such reservations and exceptions, as in his opinion may be for the best interests of the State, the following real property:

Parcel 1. Lot 62, Joaquin Addition, City of Coalinga, County of Fresno, State of California.

Parcel 2. Coarsegold Fire Control Station site in the County of Madera, State of California, containing 0.914 acres, more or less.

Parcel 3. Jarbo Gap Suppression Station site in the County of Butte, State of California, containing approximately 10 acres.

Parcel 4. Chowchilla Fire Control Station site in the County of Madera, State of California, containing approximately 1 acre.

Parcel 5. Deuel Vocational Institution Housing Project Tract No. 1 in the County of Los Angeles, State of California, containing approximately 10 acres.

Parcel 6. Lots 20, 29 and 30 in Section 14, Township 2 south, Range 8 west, City of Chino, County of San Bernardino, State of California.

Parcel 7. Pacific Colony State Hospital: That certain real property situated in the County of Los Angeles, State of California, described as follows:

Approximately 80 acres of the property at Pacific Colony State Hospital in the County of Los Angeles, State of California, being a portion of the property acquired from the Diamond Bar Ranch and consisting of hill land in the easterly portion of said area.

The Director of Finance may sell said approximate 80 acres to the owners from which the State acquired the property by Final Order and Decree of Condemnation at the price determined by the Director of Finance to be not less than the reasonable equivalent of the amount paid by the State to said owners for said approximate 80 acres.

Parcel 8. That certain real property situated in the County of San Bernardino, State of California, described as follows:

North 30 acres of northwest ¼ of northeast ¼ of Section 29, Township 1 North, Range 3 West, S B B. & M., County of San Bernardino, State of California.

With respect to the real property contained in this parcel, in lieu of disposing of the property, the Director of Finance is authorized to enter into leases or lease purchase agreements with nonprofit corporations not to exceed 20 years for the use of the property as a community recreation center, junior fair. park, or for other general community uses.

Parcel 9. That certain real property situated in the County of San Bernardino, State of California, described as follows:

North ½ of Lots 14, 15 and 16 and northwest ¼ of Lot 17, Block 50, Rancho San Bernardino, County of San Bernardino, State of California.

Parcel 10. Approximately 10 acres in Section 31, Township 12 South, Range 20 East, M. D. B. & M., County of Fresno, State of California, formerly used by the Fresno State College as an agricultural extension area.

Parcel 11 Approximately 298 acres at the Veterans Home, Yountville, County of Napa, State of California, located in the southwesterly portion of said home and consisting of hill land.

Parcel 12. San Gabriel Fish Hatchery Site, containing approximately 2.8 acres being a portion of Lot 110, Tract 621, County of Los Angeles, State of California.

Parcel 13. That certain real property situated in the City of Porterville, County of Tulare, State of California described as follows:

The west 8¼ feet of Lot 4, Block 14, Pioneer Addition.

Parcel 14. All that land situated and being in the County of Santa Clara, State of California, described as follows:

Beginning at a point on the easterly boundary of that certain 276 acre parcel of land conveyed by deed to the State of California by G. W. and Mary E. Kelley, dated October 17, 1885, and recorded in Book 80 of Deeds at Page 601, Records of Santa Clara County, California; said point of beginning bears S. 63° 13′ E., 29.70 feet and thence, S. 50° 13′ 47″ E., 269.67 feet from the northeast corner of said 276 acre parcel; thence, from said point of beginning in an easterly and southwesterly direction along said easterly boundary the following courses and distances; N. 29° 14′ E., 152.35 feet; S. 61° 24′ E. 250.14 feet; S. 43° 50′ W., 132.66 feet; S. 9° 04′ W., 268.62 feet; thence, leaving said easterly boundary N. 21° 10′ 07″ W., 215 85 feet and thence on the arc of a curve to left whose center bears S 68° 49′ 53″ W., 600.00 feet from the last-mentioned point, with a radius of 600.00 feet, through an angle of 16° 04′ 27″, and arc distance of 168.33 feet to the point of beginning.

Said parcel containing 1.34 acres, more or less.

SEC 3. Any moneys received from the sale or exchange of any of such properties shall be paid into the General Fund in the State Treasury. Disposition of proceeds

Deed copies

SEC. 4. A copy of each deed of conveyance executed and delivered by the Director of Finance pursuant to this act shall be delivered to the State Lands Commission.

CHAPTER 1669

An act to provide for leasing adequate facilities and service for the extension, maintenance, and operation of the teletypewriter system of communication by the State Department of Justice, and making an appropriation.

In effect September 9, 1953

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

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

Teletypewriter connection with City of Bishop

SECTION 1. The Attorney General shall lease facilities and equipment for the purpose of connecting the teletypewriter system of communication maintained by the State Department of Justice with the City of Bishop Police Department.

Appropriation

SEC. 2. The sum of two thousand four hundred fifty dollars ($2,450) is hereby appropriated out of the General Fund in the State Treasury to be added to and in augmentation of the appropriation provided in Item 158 of Section 2 of the Budget Act of 1953.

CHAPTER 1670

An act to amend Section 12501 of the Business and Professions Code, relating to weighing or measuring instruments and the sealing thereof.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Section 12501 of the Business and Professions Code is amended to read:

Sealing of measuring instruments

12501. Except as provided in the following section, every person who, for commercial purposes, uses or sells weights or measures or weighing instruments or measuring instruments shall, before using or before selling the same, cause such weights or measures or weighing instruments or measuring instruments to be sealed by a sealer.

Notwithstanding other provisions of this division a sealer shall not be required to inspect, test or seal any scales or other weighing or measuring instruments being used for commercial purposes and so located that the testing standards, in the amount deemed necessary for the proper testing, cannot be brought to the instrument to be tested by customary means, whenever the owner or user thereof has not rendered the instru-

ment in question more readily available for the purpose of permitting an accurate test to be made before the end of six months after notice in writing from the sealer requiring that better means of accessibility be provided for testing such instrument.

CHAPTER 1671

An act to provide for leasing adequate facilities and service for the extension, maintenance, and operation of the teletypewriter system of communication by the State Department of Justice, and to make an appropriation.

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

In effect September 9, 1953

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

SECTION 1. The Attorney General shall lease facilities and equipment for the purpose of connecting the teletypewriter system of communication maintained by the State Department of Justice with the Paso Robles Police Department.

Teletypewriter connection with City of Paso Robles

SEC. 2. The sum of one thousand one hundred eight dollars ($1,108) is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to be added to and in augmentation of the appropriation provided in Item 158 of Section 2 of the Budget Act of 1953.

Appropriation

CHAPTER 1672

An act to add Article 6, comprising Sections 1980 to 1981, inclusive, to Chapter 4 of Part 1 of Division 6 of the Harbors and Navigation Code, relating to the Board of State Harbor Commissioners for San Francisco Harbor, and making an appropriation.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Article 6 is added to Chapter 4 of Part 1 of Division 6 of the Harbors and Navigation Code, to read:

Article 6. Bay Area Protection and Promotion Program

1980. As used in this article, the "San Francisco Bay area" means that region served by commercial shipping and transportation passing through the Golden Gate, including tributary trade areas of Central and Northern California.

"San Francisco Bay Area"

1980.1. The board may itself coordinate, or may assist in coordinating, programs of research, planning, harbor develop-

Coordination of research program

ment and trade promotion relative to the port and terminal facilities of the San Francisco Bay area, including projects related to navigation, transportation and the civic and industrial development of the area.

Cooperation with civic groups, etc

1980 2. The board may cooperate with local governmental agencies, private industries and civic groups in undertaking the financing and other operating requirements of programs essential to the promotion and development of services and facilities serving ports commerce, transportation and related projects of public convenience and necessity in the area, and may associate itself with such governmental agencies, private industries, and civic groups in any voluntary organization, whether incorporated or not, formed to carry out the purposes of this article.

Powers

1980 3. The board may undertake a program of fact-finding and research, rate protection, traffic development and trade promotion for the San Francisco Bay area, and may expend moneys out of the San Francisco Harbor Improvement Fund therefor, make contracts, enter into agreements, and do or perform all acts necessary and proper to carry out the purposes of this article.

Acceptance of donations

1980.4 In carrying out any such program, the board may accept donations or contributions of property and money, and use them in carrying out the program in accordance with any conditions specified by the contributors and not inconsistent with the provisions of this article. Any such money shall be deposited in a special fund which shall be known as the "Rate Protection and Trade Promotion Fund" The board may also transfer funds from the San Francisco Harbor Improvement Fund to the Rate Protection and Trade Promotion Fund. The money in the Rate Protection and Trade Promotion Fund may be disbursed by the board in its discretion for the purposes for which it was received, and both the money and its disbursement by the board shall be exempt from the provisions of Chapters 3 and 4 of Part 3 of Division 3 of Title 2 of the Government Code. Section 16304 of the Government Code does not affect or apply to such money, except that both the money and its disbursement shall be subject to Sections 13291 to 13295, inclusive, of the Government Code.

Transfer of funds

Agreements

1980 5 In carrying out the provisions of Section 1980 4 the board may enter into agreements which shall become effective when signed by two of the commissioners and countersigned by the secretary or assistant secretary of the board, which agreements may provide that money be paid to and disbursed by the board.

1980 6. The agreements shall provide for strict accountability of the Rate Protection and Trade Promotion Fund and for the reporting of all receipts and disbursements to the donors and contributors thereof.

1980.7. The board shall possess such power specified in the agreement as may be necessary or appropriate to carry out the

purposes of Section 1980.4, and may exercise it in the manner or according to the method provided in the agreement.

1980.8. The agreement may provide that after the completion of its purpose any surplus money on hand in the Rate Protection and Trade Promotion Fund may be returned in proportion to the contributions made.

1981. All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of officers, agents or employees of any public agency cooperating in a program pursuant to this article when performing their respective functions within the territorial limits of their respective public agencies, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this article. Privileges, etc

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CHAPTER 1673

An act to repeal Article 3.5 of Chapter 2 of Division 10 and to add Article 3.5 of Chapter 2 of Division 10 of the Education Code, relating to employees of the state colleges.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 7, 1953.] In effect September 9, 1953

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

SECTION 1. Article 3.5 of Chapter 2 of Division 10 comprising Sections 20391 to 20394.15, inclusive, of the Education Code, is repealed. Repeal

SEC. 2. Article 3.5 of Chapter 2 of Division 10 comprising Sections 20391 to 20399.1, inclusive, is added to the Education Code, to read:

Article 3.5. Appointment, Tenure, Layoff and Dismissal of Employees Not in State Civil Service

20391. (1) Unless context otherwise requires, the definitions hereinafter set forth shall govern the construction of this article. Definitions

(a) Director: Director means the State Director of Education.

(b) President: President means the president of each state college.

(c) College: College means each state college.

(d) Employee: Employee means any employee of a state college not serving in state civil service.

(e) Academic Teaching and Administrative Employee: Academic teaching and administrative employee means an employee of the rank of professor or lower, department heads and division heads whose principal duty is teaching at the state college and

an employee whose principal duty is connected with the administration of the teaching program or related service, and includes, but is not limited to deans, business managers, admission officer, registrar, placement officer and professional librarians.

(f) Nonacademic Employee: Nonacademic employee, means all employees not serving in state civil service who are not classed as academic teaching and administrative employees, including, but not limited to maintenance men, craftsmen, stenographic and clerical employees.

(g) Dismissal: Dismissal means dismissal for cause.

(h) Layoff: Layoff means separation from a position for lack of funds or lack of work.

(i) Probation: Probation is the period an employee must serve before becoming entitled to permanent employment.

(j) Permanent: Permanent means that the employee has a right to continued employment at the particular college unless dismissed or laid off.

(2) This article does not apply to employees serving in state civil service.

(3) This article does not apply to state college presidents.

(4) This article does not apply to employees of the California State Polytechnic College.

(5) This article does not apply to student assistants.

State college employee appointments

20392. Except as otherwise provided, every employee of the state college shall be appointed by the director, subject to the approval of the State Board of Education, only upon the recommendation of the president of the college.

(a) Every academic teaching and administrative employee so appointed shall be appointed for an academic year. Temporary academic employees may be appointed for a shorter period but all such temporary appointments shall terminate not later than the close of the academic year in which appointed. If an academic teaching or administrative employee serves full time for three successive academic years at the state college and is reappointed for a fourth successive academic year, the said employee shall thereupon become a permanent academic teaching and administrative employee at the same level and salary step or higher.

(b) Every nonacademic employee so appointed shall be appointed for one year which is a probationary period. On reappointment for the second year, the said employee shall be permanent at the same level and salary step or higher salary step as at completion of the said probationary year.

Same· Preference

20393. All vacant positions at each state college shall, as far as practicable and consistent with the best interest of the college be filled from qualified employees serving in lower positions in the same or related series.

Probationary periods

20394. (a) An academic teaching and administrative employee shall be required to serve only one probationary period during employment at the college. Promotions or demotions within this academic group at the college shall not require any probationary period. When an academic teaching or adminis-

trative employee who has completed his probationary period is promoted, he shall be deemed to have all rights provided by this article in the higher academic rank. In the event an academic employee is promoted to a higher academic rank during his probationary period, such promotion shall not extend the probationary period. The employee will receive his rights under this article upon completion of three continuous years of service as an academic employee.

(b) Any nonacademic employee shall be required to serve only one probationary period to gain permanent status in a position or in a substantially similar position at the state college; however, in the event such an employee is promoted to a position with substantially different duties or to a position that requires additional duties and abilities, the said employee shall serve a probation period; provided that, if the said employee does not become permanent in the new position, the employee shall have the right to return to any class at the college in which the employee was permanent.

Same
Notice of rejection

20395. The Director of Education shall adopt rules prescribing the form, time and method of notice of rejection at any time during probationary period to any probationary nonacademic employee, or notice of intention not to recommend reappointment of an academic teaching and administrative employee for the succeeding year to any such employee not having permanent status.

Dismissal and demotion

20396. A permanent or probationary academic teaching and administrative employee may be dismissed or demoted and nonacademic employees may be dismissed, demoted or suspended for the following causes:

(a) Immoral or unprofessional conduct

(b) Dishonesty

(c) Incompetency

(d) Physical or mental unfitness for position occupied

(e) Failure or refusal to perform the normal and reasonable duties of the position

(f) Conviction of a felony or any crime involving moral turpitude.

Same
Notice

20396.1. Notice of dismissal, demotion or suspension for cause shall be in writing, signed by the director and be served on the employee, setting forth a statement of causes, the events or transactions upon which the causes are based, the nature of the penalty and the effective date, and a statement of the employee's right to answer within 30 days and request a hearing before the State Personnel Board.

Same
Hearing

20396.2. Any employee dismissed, suspended, or demoted for cause may request a hearing by the State Personnel Board by filing such a request, in writing, with the board within 30 days of being served with the notice. The request may be on the grounds that the required procedure was not followed; that there is no ground for dismissal, suspension, or demotion; that the penalty is excessive, unreasonable, or discriminatory; or that the employee did not do the acts or omissions alleged as the

events or transactions upon which the causes are based; that the acts or omissions alleged as the events or transactions upon which the causes are based were justified. The State Personnel Board shall hold a hearing, following the same procedure as in state civil service proceedings and shall render a decision affirming, modifying or revoking the action taken. In a hearing the burden of proof shall be on the party taking the dismissal action

Same Restoration

20396.3. In the event the dismissal, suspension or demotion is revoked or modified by the State Personnel Board, the employee shall be restored to his position in accord with the said decision, and shall be paid back salary equal to that which the employee would have earned if continuously employed in accord with the decision.

Regulations re layoffs

20397 The director shall adopt regulations for determination of the order in which employees shall be laid off for lack of funds or because of lack of work. To the extent the director shall deem practical such regulations shall provide for layoff in the inverse order of employment.

The director shall adopt rules governing the re-employment of employees laid off, pursuant to this section. To the extent the director deems practical, such regulations shall include provision that for a period of five years following layoff, an employee shall have a preferential right to re-employment in the same or a comparable position at the college, in the event of a vacancy. This preferential right shall give the employee laid off the right to re-employment in a position comparable to that from which he was laid off over any person not employed at the college at the time the particular employee was laid off.

The director, in adopting regulations under this section shall proceed in accord with the provisions of Chapter 4, Part 1, Division 3, Title 2 of the Government Code.

"Unprofessional conduct"

20398 "Unprofessional conduct" as used in Section 20396 includes, but is not limited to:

(a) Membership in, or active support of, a "communist front," a "communist action" organization, or a communist organization, as those terms are now defined in the act of the Congress of the United States designated as "Internal Security Act of 1950."

(b) Persistent active participation in public meetings conducted or sponsored by an organization mentioned in subdivision (a) of this section.

(c) Wilful advocacy of the overthrow of the Government of the United States or of the State, by force, violence or other unlawful means, either on or off the campus.

(d) Wilful advocacy of communism, either on or off the campus, for the purpose of undermining the patriotism of pupils, or with the intent to indoctrinate any pupil with communism or inculcate a preference for communism in the mind of any pupil.

Part time employment

20398.1. A permanent employee may, with his consent and the approval of the president of the college and the director, be employed at less than full time and retain permanent status,

provided, seniority credit and any other credit shall be gained only in the proportion the actual time employed is to full time employment in the position.

20399. Those employees now having rights to automatic reappointment from year to year shall, on the effective date of this bill, be permanent employees in appropriate groups, pursuant to this article. Employees not having an automatic right to reappointment shall be affected as follows: Permanent status

(a) Academic teaching and administrative employees shall receive credit toward permanent employment for all full time thus far served.

(b) Nonacademic employees who have served less than one year shall become permanent on completion of one year of service from date of appointment, but in no case at an earlier date than 60 days after the effective date of this bill. Nonacademic employees who have served more than one year, but less than three years, shall become permanent if retained in employment for 60 days following the effective date of this bill. During the sixty (60) day period employment may be terminated by giving written notice thereof.

20399.1 Nothing in this article shall be deemed to preclude the employment of an employee on a temporary, full or part time basis for a period of less than one year, or appointment of student assistants, instructors for extension service, and members of the teaching staff of a state college summer session and officers and employees of each such session who shall be appointed by the Director of Education upon the recommendation of the president of the college; providing, however, that a nonacademic employee given temporary appointment and who serves more than one year shall be considered, for the purposes of this article, a permanent employee. Temporary appointments

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CHAPTER 1674

An act relating to the state teletypewriter system and making an appropriation.

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.] In effect September 9, 1953

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

SECTION 1. The Attorney General shall lease facilities and equipment for the purpose of connecting the teletypewriter system of communication maintained by the State Department of Justice and the sheriff's substation at Blythe, in Riverside County. Teletypewriter connection with City of Blythe

SEC. 2. The sum of one thousand four hundred eighty dollars ($1,480) is hereby appropriated out of the General Fund in the State Treasury to be added to and in augmentation of the appropriation provided in Item 158 of Section 2 of the Budget Act of 1953. Appropriation

CHAPTER 1675

An act to add Section 2931b to the Civil Code, providing for bids and purchase of real property in actions in which the State of California is made a party under Section 2931a of the Civil Code.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Section 2931b is added to the Civil Code, to read as follows:

Authorization of bids by Attorney General

2931b. In all actions in which the State of California is named a party pursuant to the provisions of Section 2931a and in which real property is sought to be sold, the Attorney General may, with the consent of the Department of Finance, bid upon and purchase such real property.

CHAPTER 1676

An act to add Section 34403 to and to amend Section 35305 of the Water Code, relating to California water districts and declaring the validity of the election of officers and directors thereof.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Section 34403 is added to the Water Code, to read:

Candidate nomination procedure

34403. The board shall at the time of calling the formation election for the proposed district, prescribe the procedure for nominating candidates for the offices to be filled at that election.

SEC. 2. Section 35305 of said 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.

Validation

SEC. 3. Where any person has been elected to be an officer or director of a California water district organized and operating under the provisions of Division 13 of the Water Code, and holds such office on the effective date of this act, such officers and directors are hereby declared to be validly elected and to be validly serving in such office; all acts of such officers and directors are hereby legalized, ratified and confirmed and declared valid for all intents and purposes.

CHAPTER 1677

An act to repeal Section 160 and to amend Sections 139 and 167 of the Fish and Game Code, relating to game refuges.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 139 of said code is amended to read:

Fish and Game District 11

139. District 11. The following shall constitute Fish and Game District 11: All that area within the County of Placer within the following boundaries:

Beginning at a point in Sec. 26, T. 14 N., R. 13 E., M. D. M., where the French House-Big Meadows Road intersects the South Fork of Long Canyon; thence following northwesterly along said road to French House (near the center of Sec. 22); thence northwesterly along the French House-Red Star Mine Road to the point where said road intersects the summit of Red Star Ridge in Sec. 16 (this being the divide between Duncan Creek and the Middle Fork of the American River); thence northeasterly following the summit of Red Star Ridge to the new Westville-French Meadows Highway; thence northeasterly along said highway to a point in Sec. 4, T. 15 N., R. 14 E., where said highway leaves the main divide between the North Fork of the American River and the Middle Fork of the American River; thence easterly along the summit of said main divide to Needle Peak; thence southerly following the summit of the divide to Mt. Mildred; thence following the summit of the divide between Gray Horse Creek and the Middle Fork of the American River to its intersection with the Big Meadows-Gray Horse Valley Trail; thence following said trail to the South Fork of Long Canyon; thence westerly down Long Canyon to the point of beginning.

Repeal

SEC. 2. Section 160 of said code is repealed

SEC. 3. Section 167 of said code is amended to read:

Huntington Lake game refuge

167. Huntington Lake. The following shall constitute the Huntington Lake game refuge: All that area within the following boundaries: Commencing at a point as posted, where Ward Tunnel Trail leaves Florence Lake Road above Huntington Lake, thence in a northerly direction along Ward Tunnel Trail to its junction with Potter Pass Trail, thence in a northwesterly direction in a direct line to College Rock, thence in a southwesterly direction in a direct line to junction of Line Creek Trail and Billy Creek Trail, thence in a southwesterly direction in a direct line to Black Point, thence in a southeasterly direction in a direct line to Sunset Point, thence due east to Big Creek, thence in a northeasterly direction up Big Creek to Huntington Lake, thence in a northeasterly direction along the south side of Huntington Lake to the Florence Lake Road, thence in a northeasterly direction along Florence Lake Road to point of beginning.

CHAPTER 1678

An act to amend Section 16.3 and to repeal Sections 131, 144, 149, 154, 155, 159, 161, 162, 167.5, and 170, and to amend Section 147 of the Fish and Game Code, relating to game refuges.

In effect September 9, 1953

[Approved by Governor July 4, 1953. Filed with Secretary of State July 7, 1953.]

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

Repeals

SECTION 1. Sections 131, 144, 149, 154, 155, 159, 161, 162, 167.5, and 170 of the Fish and Game Code are repealed.

SEC. 1.5. Section 16.3 of said code is amended to read:

Commission orders

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 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; provided, however, the provisions of this paragraph shall not apply to Districts 1M and 4F until the ninety-first day after final adjournment of the 1955 Regular Session of the Legislature.

SEC. 2. Section 147 of the Fish and Game Code is amended to read:

Fish and Game District 1R

147. District 1R. The following shall constitute Fish and Game District 1R: All that area within the County of Tuolumne within the following boundaries: Beginning at the junction of the North Fork of the Stanislaus River and the Middle Fork of the Stanislaus River; thence easterly following the northerly bank of said Middle Fork of the Stanislaus River to the mouth of the Shu-fly Creek, approximately in Sec. 9, T. 5 N., R. 18 E.; thence northerly following the westerly bank of said creek to its junction with Whit's Basin Creek; thence westerly following the southerly and westerly bank of said Whit's Basin Creek to its junction with the Sands Meadow Trail in Sec. 36, T. 6 N., R. 17 E.; thence northwesterly following said Sands Meadow Trail to its junction with the Government Truck Trail in Sec. 23, T.

6 N., R. 17 E.; thence westerly following said Truck Trail to Liberty Hill; thence following said Government Truck Trail westerly and southerly to its junction with the Boards Crossing-Beaver Creek Camp Road; thence northerly following said Boards Crossing-Beaver Creek Camp Road to Boards Crossing on the North Fork of the Stanislaus River; thence downstream following the easterly bank of said North Fork of the Stanislaus River to the point of beginning.

CHAPTER 1679

An act to codify Chapter 1455 of the Statutes of 1947, relating to the United States Flood Control Receipts Fund, by adding Article 7, comprising Sections 16415 to 16417, inclusive, to Chapter 2, Part 2, Division 4, Title 2 of the Government Code, and repealing Chapter 1455 of the Statutes of 1947, and making an appropriation

[Approved by Governor July 4, 1953 Filed with Secretary of State July 7, 1953]

In effect September 9 1953

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

SECTION 1. Article 7, comprising Sections 16415 to 16417, inclusive, is added to Chapter 2, Part 2, Division 4, Title 2 of said code, to read:

Article 7. United States Flood Control Receipts Fund

16415. All money received by the State from the United States in pursuance of any act of Congress providing for the distribution and payment to states and territories of a fixed percentage of the money received by the United States from the land acquired in the State for flood control purposes shall be credited to the United States Flood Control Receipts Fund, which fund is continued in the State Treasury, and shall be disposed of, pursuant to the act of Congress, by the payment of the money to the several counties in which the flood control lands are situated.

United States Flood Control Receipts Fund

The payments made to each county from the receipts of any given parcel of federal flood control land shall be in the proportion which the area of the parcel situated in the county bears to the total area of such parcel.

16416. The Controller shall keep a record of the money received from the United States on account of the federal flood control land in each county in this State. On or before June 30th of each year, he shall draw his warrant in favor of the treasurer of each county entitled to payment pursuant to this article. The Treasurer shall pay the warrants. All money deposited in the United States Flood Control Receipts Fund is appropriated to be apportioned to the counties of this State pursuant to this article.

Payment to counties

Apportionment by county

16417. The auditor of any county receiving a payment of money pursuant to this article shall immediately apportion the money by placing 50 percent to the credit of the county school service fund of the county and 50 percent to the credit of the general road fund.

Repeal

SEC. 2. Chapter 1455 of the Statutes of 1947 is repealed.

CHAPTER 1680

An act to amend Section 801.5 of the Fish and Game Code, relating to abalones.

In effect September 9, 1953

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Section 801.5 of the Fish and Game Code is amended to read:

Black abalones in District 19

801.5. In District 19 along the shores of Anacapa, Santa Cruz, Santa Rosa, San Nicolas and San Miguel Islands, black abalones may be taken at any time for use as bait in the waters surrounding any of said islands or as lobster bait along the mainland shore. There is no bag limit on black abalones so taken, but no black abalone shall be taken under this section the shell of which measures less than five inches in greatest diameter.

CHAPTER 1681

An act to amend Section 2833 of the Elections Code, relating to membership of county central committees.

In effect September 9, 1953

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Section 2833 of the Elections Code is amended to read:

County central committees

2833. In any city and county the county central committee of each party shall be elected by each assembly district and shall consist of five members from each assembly district in the city and county.

CHAPTER 1682

An act to consolidate and revise the Education Code, and making an appropriation to carry out the provisions of this act.

In effect September 9, 1953

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

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

Revision of Education Code

SECTION 1. The Law Revision Commission or the California Code Commission shall prepare and revise the Education Code

and shall submit a report and recommendations to the Legislature on or before January 1, 1955.

SEC. 2. Out of any money in the State Treasury, there is hereby appropriated the sum of twelve thousand dollars ($12,000) to be expended to carry out the purposes of this act. Appropriation

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CHAPTER 1683

An act to amend Section 944 of the Fish and Game Code, relating to nets.

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.] In effect September 9, 1953

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

SECTION 1. Section 944 of the Fish and Game Code is amended to read:

944. In District 10, beach nets may be used, the meshes of which are at least one and one-half inches in length. In that portion of District 10 lying south of Pt. Lobos, beach nets not over 20 feet in length, the meshes of which are at least seven-eighths of an inch in length, may be used to take surf smelt only. Beach nets in District 10

CHAPTER 1684

An act to repeal Sections 904 and 906 of, and to amend Section 905 of, the Fish and Game Code, relating to nets.

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.] In effect September 9, 1953

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

SECTION 1. Sections 904 and 906 of the Fish and Game Code are repealed.

SEC. 2. Section 905 of said code is amended to read:

905. In Districts 17, 18, and 19, drift and set trammel nets may be used, the meshes of which are at least eight inches in length, except that such nets may not be used in District 18 within one mile of any pier or jetty. Nets in Districts 17, 18, and 19

CHAPTER 1685

An act to add Section 5055.1 to the Education Code, relating to state school building aid.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 7, 1953.] In effect September 9, 1953

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

SECTION 1. Section 5055.1 is added to the Education Code, to read:

Repayment of school district bonded indebtedness

5055.1. Pursuant to this section, the Director of Finance shall determine and certify to the Controller for inclusion in the second computation the amount raised and to be raised by the district during the current fiscal year for the repayment of principal and interest on that portion of the bonded indebtedness of the district that was incurred for the grade level subsequent to the making of the first apportionment to said district and prior to June 30, 1955, if incurred for purposes for which an apportionment may be made pursuant to Sections 5046 and 5046.1.

Such amount shall be included only if the district has applied for an apportionment pursuant to this chapter for the project for which the bond proceeds are expended, and the board approves the making of an apportionment to the district in a nominal sum after finding that the project meets all the requirements of this chapter but that the district has sufficient bonding capacity to pay for the project without state aid. If the board makes such a finding it shall approve the inclusion in the second computation of the amount referred to in the first paragraph only to the extent the district is required by the board to use its own funds in an approved project.

If such bonded indebtedness matures 20 years or more from the date of issuance, the amount raised and to be raised during the current fiscal year shall be included in the second computation. If such maturity occurs in less than 20 years from the date of issuance, the amount to be included shall be the amount as determined by the Director of Finance which the district would be required to raise in the current fiscal year if the maturity date was 20 years from the date of issuance.

The amount computed by determining each fiscal year the difference between the amount of the annual repayment computed for a grade level of a district without regard to this section and the amount computed with regard to this section shall be deemed to be the amount of the "deferred payment" for such year.

The total of such deferred payments shall be added to the amount owed by the district for the apportionment to the grade level. If the total amount owed by the district for the grade level is not repaid before the date provided in Section 5059 for the cancellation of unpaid balances, additional annual repayments shall be made, notwithstanding the provisions of Section 5059, for a period not to exceed 10 years or until any unpaid balance of the total of the deferred payments are repaid, whichever occur first. The amount of such additional annual repayment shall be computed and repaid in the same manner as other annual repayments.

Termination date

The provisions of this section shall terminate June 30, 1955.

CHAPTER 1686

An act to amend Section 1570 of the Code of Civil Procedure: to amend Section 5010, and to repeal Section 5011, of the Corporations Code, relating to unclaimed money or other property in dissolved corporations.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1570 of the Code of Civil Procedure is amended to read:

1570. 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 5009 or 5010 of the Corporations 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.

Disposition of unclaimed property

SEC. 2. Section 5010 of the Corporations Code is amended to read:

5010. If there is any unclaimed deposit or dividend payable, or any debt owed, by a corporation in process of winding up or dissolution, to any person whose whereabouts is unknown to the directors, trustees, or other persons conducting the winding up, they may deposit the amount due such person with the State Treasurer or with some bank or trust company in this State, at interest, if possible, if the deposit is made in a bank or trust company, for the benefit of those who appear and establish their claim thereto. The deposit shall be accompanied with a statement of the name of the person entitled to the deposit, dividend, or debt, the time when the deposit was made, the dividend declared, or the debt created, and any information possessed as to the residence of the person entitled to the deposit, dividend, or debt.

SEC. 3. Section 5011 of the Corporations Code is hereby repealed.

Repeal

CHAPTER 1687

An act to amend Section 20024 of, and to add Section 20024.01 to, the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 20024 of the Government Code is amended to read:

"Final compensation"

20024. For a local member who is an employee of a contracting agency which is subject to the provisions of this section, "final compensation" means the highest average annual compensation earnable by a member during any period of five consecutive years during his membership in the system, including any or all of such period or periods of (a) service required for qualification for membership, or (b) prior service, if any, immediately preceding membership, or (c) time prior to entering state service at the compensation earnable by him in the position first held by him in such service, as may be necessary to complete five consecutive years. For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of five consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation. Time during which a member is in state service and is also a member of another retirement system to which the State or the university contributes shall not be considered to be an absence for the purposes of Section 20023 nor to be a break in service for the purposes of this section, and the determination of the final compensation of such a member shall take into consideration his compensation earnable while he was a member of such other system.

SEC. 2. Section 20024.01 is added to the Government Code, to read:

Same

20024.01. For a state member, or for a local member who is an employee of a contracting agency which is subject to the provisions of this section, "final compensation" means the highest average annual compensation earnable by a member during any period of three consecutive years during his membership in the system, including any or all of such period or periods of (a) service required for qualification for membership, or (b) prior service, if any, immediately preceding membership, or (c) time prior to entering state service at the compensation earnable by him in the position first held by him in such service, as may be necessary to complete three consecutive years. For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of three consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and

the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation. Time during which a member is in state service and is also a member of another retirement system to which the State or the university contributes shall not be considered to be an absence for the purposes of Section 20023 nor to be a break in service for the purposes of this section, and the determination of the final compensation of such a member shall take into consideration his compensation earnable while he was a member of such other system.

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.

Operative date

SEC. 3. 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.

CHAPTER 1688

An act to amend Section 1591, and to add Article 4.5 to Chapter 7, Division 2, of the Education Code, all relating to the formation and changes in territory and status of school districts.

[Approved by Governor July 4, 1953. Filed with Secretary of State July 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1591 of the Education Code is amended to read:

Changes in school districts

1591. Any action undertaken to form a new school district of any type or class, to annex or unite any territory or school district to or with another school district, to withdraw or exclude territory from any school district, to unionize or merge two or more school districts, to disestablish or disincorporate any school district, or to change the boundaries of any school district, shall be effective as herein provided:

(a) Any such actions completed before February 1st of any school year shall be effective on the next succeeding first day of July, except as herein otherwise provided.

(b) Any such actions completed on or after February 1st of any school year shall become effective on the second succeeding first day of July, except as herein otherwise provided

SEC. 2. Article 4.5 is added to Chapter 7, Division 2 of the Education Code, to read:

Article 4.5. Annexation of Territory to Elementary School Districts

Annexation of territory to elementary districts

2491. Whenever any territory within a county is listed in the Annual Report of Assessed Valuation and Tax Rates as territory not in any elementary or high school district, the Committee on School District Organization shall recommend to the board of supervisors of the county in which such territory is located between July 1st and August 31st, that such territory be annexed to one or more adjoining school districts as the board of supervisors considers most convenient and proper.

Notice

2492. Upon receipt of the recommendation of the report of the Committee on School District Organization, the board of supervisors shall set a date of hearing and shall give notice thereof as provided in Article 6 of this chapter.

Hearing

2493. The board of supervisors shall at the time and place fixed in the notice hear all persons interested in the matter and may continue the hearing from time to time but for not more than two weeks in all After the hearing the board may make an order entered upon its minutes annexing the territory to such district as it deems proper and most convenient

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CHAPTER 1689

An act to add Section 1472 to the Fish and Game Code, relating to acquisition of property by the Wildlife Conservation Board.

In effect September 9, 1953

[Approved by Governor July 4, 1953 Filed with Secretary of State July 7, 1953]

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

SECTION 1. Section 1472 is added to Article 2 of Chapter 2 of Divison 6 of the Fish and Game Code, to read:

Board purchases

1472 The board may purchase such boats, aircraft or equipment as it deems necessary for the use of the department for improvement and protection of marine fisheries

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CHAPTER 1690

An act to add Sections 2020 and 2021 to the Water Code, relating to underground water.

In effect September 9 1953

[Approved by Governor July 4, 1953 Filed with Secretary of State July 7, 1953]

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

SECTION 1. Section 2020 is added to the Water Code, to read:

2020. At any time after the filing of the report by the department as provided in Section 2016 the department, if it appears that underground water is being pumped in an amount which, if not restricted, would destroy or irreparably injure the waters of the basin due to ocean water intrusion before final judgment can be had, may, on notice, pursuant to the provisions of Section 527 of the Code of Civil Procedure, apply to the court for a preliminary injunction, restricting the pumping of water of the basin so as to avoid irreparable injury to, or destruction of, the waters of the basin, and the court may issue the injunction, subject to the provisions of Section 2021, equitably restricting and apportioning the reduction in the pumping of water, without requiring bond. Prevention of ocean water intrusion

The provisions of this section apply only to actions to determine rights to waters of underground basins located in the arid, southern coastal area defined by the exterior boundaries of the Counties of Santa Barbara, Ventura, Los Angeles, Orange, and San Diego. Applicable areas

SEC. 2. Section 2021 is added to said code, to read:

2021. Where a preliminary injunction has been granted pursuant to Section 2020, the final judgment shall equitably compensate in quantities of water for such variations as there may be between the rights of the parties to the use of water on which such preliminary injunction is based, and as such rights are determined in such final judgment. Equitable compensation

SEC. 3. The water supplies in the underground basins in the arid, southern coastal area in this State, now being rapidly depleted by excessive pumping are threatened with irreparable injury or destruction by ocean water intrusion This excessive pumping has been continued after the rights of users have been submitted to the courts for determination, and, because of the lengthy nature of such litigation, the water of such basins can be irreparably injured or destroyed before final judgment in such actions. Legislative declaration

This act relates to actions brought by the users to determine rights to the waters of underground basins and is intended to facilitate the issuance of preliminary injunctions in such cases in order that the extraction of water be equitably reduced to the end that the waters of the basin can be saved for future use.

The Legislature finds and declares that the solution of the problems arising because of ocean water intrusion in the basins located in the arid southern coastal area of this State are unique to that area and are problems as to which a general law would not be applicable.

CHAPTER 1691

An act to add Section 206a to the Code of Civil Procedure, relating to jurors.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Section 206a is added to the Code of Civil Procedure, to read:

Jury lists

206a. In counties where sessions of the superior court are held in cities other than the county seat, the names for lists of jurors to serve in said cities may be selected from the supervisorial district in which said city is located.

CHAPTER 1692

An act to amend Section 28476 of the Health and Safety Code, relating to olive oil.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Section 28476 of the Health and Safety Code is amended to read:

"Imitation olive oil"

28476. "Imitation olive oil," as used in this chapter, means the mixture of any edible oil with olive oil to resemble olive oil; or any edible oil artificially colored or flavored to resemble olive oil.

CHAPTER 1693

An act to provide for the creation of a Colorado River Boundary Commission to confer with representatives of the State of Arizona with respect to the definition or relocation of the common boundary of said states, and to report concerning the same and concerning a compact between said states relative to the said boundary, and to provide an appropriation for the joint investigation of said boundary and for expenses of said commission, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

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

Colorado River Boundary Commission

SECTION 1. A Colorado River Boundary Commission is hereby created for the purposes hereinafter set out. Said com-

mission shall consist of the Attorney General, State Engineer and the Executive Officer of the State Lands Commission, and each of whom may from time to time serve by and through any member of his staff designated by him in writing for the purpose. One Member of the Senate appointed by the Senate Committee on Rules and one Member of the Assembly appointed by the Speaker shall meet with and advise with the commission to the extent that such advisory participation is not incompatible with their respective positions as Members of the Legislature. The Members of the Legislature so appointed are hereby constituted a legislative interim committee on the subject of this act with all the powers and duties imposed upon such committees by the Joint Rules of the Legislature. The members of the commission and of the interim committee shall receive no additional compensation for their services under this act, but shall be reimbursed for their actual and necessary expenses incurred in connection with the performance of their duties hereunder, to be paid out of the money appropriated for the support of the commission. The Governor of California is empowered and directed to forward a copy of this act to the Governor of the State of Arizona and to request that the governor or legislature of that state appoint representatives of the State of Arizona to confer and act in conjunction with said commission for the purposes hereinafter specified, upon the understanding that each state will pay all expenses and charges of its representatives.

Same: Joint action with Arizona

SEC. 2. It shall be the duty of said commission to confer and act in conjunction with said representatives to be appointed on behalf of the State of Arizona for the following purposes:

(a) To make a joint investigation at the joint expense of said two states as to the location of the common boundary between the two states with respect to the present channel of the Colorado River from the southern boundary of the State of Nevada to the international boundary between the State of California and the United Mexican States;

(b) To investigate, negotiate and report as to the necessity and advisability of a compact between said two states defining or relocating said common boundary;

(c) To investigate and report as to the necessity and advisability of provisions in any such compact relating to the straightening, control, improvement or relocation of the channel of said river and as to the effect upon such interstate boundary of the performance of any such works;

(d) To hold such hearings and conferences in either of said two states as may be requisite in the premises and to do such other acts and things, either separately or in cooperation with the State of Arizona or the United States, or both, as may be necessary or convenient to accomplish the purposes of this act.

(e) To report to the Governor of this State and to the Legislature prior to the session of the Legislature in the year 1955 the findings and recommendations of said commission concerning joint action by this State and the State of Arizona in the premises.

Appropriation

SEC. 3. There is hereby appropriated out of the State Lands Act Fund the sum of one hundred fifty thousand dollars ($150,000) to be used upon order of said commission for the payment of the expenses and charges of such joint investigation and for the expenses of said commission. This appropriation shall remain available for expenditure until June 30, 1955.

Federal representative

SEC. 4. The President and the Congress of the United States are respectfully requested to provide for the appointment of a representative of the United States to meet and confer with the said commission and said representatives of the State of Arizona, and to assist in carrying out the purposes of this act.

Urgency

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution, and shall go into immediate effect. The facts constituting such necessity are:

Owing to the meandering of the Colorado River since the adoption of the Constitution of California in 1849 and since the adoption of the Arizona Constitution in 1912, doubts exist as to where the true boundary line between the two states may be. Conflicts which may lead to violence, exist between private claimants of title to the same land under the laws of Arizona and under the laws of California. Uncertainties exist as to the right of public officials of California to assess, tax and police certain lands, which uncertainties affect the public revenues of California. Because of said facts it is necessary that this act go into effect immediately.

CHAPTER 1694

An act to add Sections 20839 and 20840 to the Government Code, relating to the State Employees' Retirement System.

In effect September 9, 1953

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Section 20839 is added to the Government Code, to read:

Prior service credit

20839. Notwithstanding any other provision of this part, any local member whose prior service to a public agency which has become a contracting agency was broken by a period of time during which he performed duties substantially the same as his duties as an employee of the public agency, under the direction and supervision, in whole or in part, of an officer of the public agency, but whose remuneration during such time was not paid by the public agency, shall receive prior service credit for such time.

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 20840 is added to said code, to read:

20840. Every prior service pension and disability retirement pension payable for time commencing on the effective date of this section to any local member who was retired prior to said effective date is hereby increased to the amount it would be if the provisions of Section 20839, 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 State for any increase in any pension paid or payable for time prior to its effective date. Calculation of pensions under this section shall be made on the basis of current interest rate and mortality tables. Pension increase

This section shall not apply to any contracting agency, nor to pensions payable to the retired employees of any contracting agency unless and until the contracting agency elects to be subject to the provisions of this section and of Section 20839 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 this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

CHAPTER 1695

An act to amend Section 71665 of, and to add Sections 71665.5 and 71665.6 to, the Government Code, relating to fees of justice courts in civil actions.

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.] In effect September 9, 1953

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

SECTION 1. Section 71665 of the Government Code is amended to read:

71665. The fee for filing the complaint, or other first paper is four dollars ($4), which shall be paid before complaint is filed, and which shall include all proceedings before trial and all services to be performed in a judgment by default or for the trial of either a question of law or fact, including all affidavits, swearing witnesses and jury, and entry of judgment. Justice court fees Complaint

SEC. 2. Section 71665.5 is added to said code, to read:

71665.5. The fee for filing the first paper on behalf of any party other than the plaintiff is two dollars ($2), for each party. First paper

SEC. 3. Section 71665.6 is added to said code, to read:

Writs

71665.6. The fee for issuing a writ of execution, a writ of possession, or any writ for the enforcement of any order or judgment is one dollar ($1).

CHAPTER 1696

An act to amend Section 20254 of the Education Code, relating to schools and colleges under the jurisdiction of the Department of Education.

In effect September 9, 1953

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Section 20254 of the Education Code is amended to read:

Federal and local government agreements

20254. The Director of Education may enter into agreements with agencies of the Federal Government, county superintendents of schools, county boards of education and any school district for the performance of any services for such agencies by any school or college under the jurisdiction of the Department of Education. All moneys received under any such agreement, except recovery of contributions to the State Employees' Retirement Fund, are hereby appropriated for the support of such school or college in addition to such other funds as may be appropriated therefor by the Legislature.

Appropriation

CHAPTER 1697

An act to amend Section 14034 of, and to add Section 14038 to, the Government Code, relating to the Department of Water Resources and making an appropriation.

In effect September 9, 1953

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Section 14034 of the Government Code is amended to read:

Water Resources Revolving Fund

14034. The Water Resources Revolving Fund in the State Treasury is continued in existence. The Water Resources Revolving Fund is the successor to the Water Resources Fund. 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

Water Resources or of the Department of Public Works, acting through the State Engineer, including but not limited to services, new construction, major construction and equipment, minor construction, maintenance, improvements and equipment, hydraulic or other improvement projects, investigations, surveys, experiments, and reports, 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 Water Resources or the Department of Public Works, acting through the State Engineer, when approved by the Department of Finance.

Money so transferred or deposited is available for expenditure by the Division of Water Resources or the Department of Public Works, acting through the State Engineer, for the purposes for which appropriated, contributed, or made available, without regard to fiscal years and irrespective of the provisions of Section 16304. The Division of Water Resources or the Department of Public Works, acting through the State Engineer, may withdraw from the fund for use in work for other public agencies, local, state or federal, such sums as may be necessary for such work where the money to be paid by such other agencies is not deposited in said fund in advance of the work being done

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.

SEC. 2. Section 14038 is added to said code, to read:

14038. As used in this article "Division of Water Resources" and "Department of Public Works, acting through the State Engineer" means the Department of Water Resources; "director" means (a) Director of Public Works as to refunds of moneys collected or received by the Department of Public Works and (b) Director of Water Resources as to refunds of moneys collected or received by the Department of Water Resources; "department" means (a) Department of Public Works with respect to the Division of Architecture Revolving Fund and (b) Department of Water Resources with respect to the Water Resources Revolving Fund. Definitions

SEC. 3. There is hereby appropriated from the General Fund, one hundred fifteen thousand dollars ($115,000) to the Department of Water Resources for support of that department during the 1953-1954 Fiscal Year. Appropriation

SEC. 4. Sections 2 and 3 of this act become operative only if Assembly Bill No. 863 is enacted by the Legislature at its 1953 Regular Session. Effect

CHAPTER 1698

An act to add Chapter 4 to Part 3, Division 4, Title 2 of the Government Code, relating to the issuance, sale, and repayment of general obligation bonds of the State.

In effect September 9, 1953

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Chapter 4 is added to Part 3, Division 4, Title 2 of the Government Code, to read:

CHAPTER 4. STATE GENERAL OBLIGATION BONDS

Article 1. General

Short title

16720. This chapter shall be known and may be cited as the State General Obligation Bond Law.

Purpose

16721. The purpose of this chapter is to provide a procedure which may be adopted by other acts for use with whatever modifications are necessary in authorizing the issuance and sale of state general obligation bonds and providing for the repayment of such bonds. This chapter does not itself authorize the issuance or sale of any bonds.

Definitions

16722. As used in this chapter, the following words shall have the meaning given to them in this section, unless the context otherwise requires:

(a) "Bond" means a state general obligation bond issued pursuant to an act adopting the provisions of this chapter.

(b) "Committee" means the finance committee or other body created by any such act and authorized to cause bonds to be issued by the adoption of a resolution or resolutions.

(c) "Board" means the state board, department, or agency authorized by any such act to request the committee to cause bonds to be issued for the purpose of creating a fund which is to be expended by the board for the purposes specified in said act.

(d) "Fund" means the fund created by any such act, and into which the proceeds from the sale of the bonds are paid.

(e) "Bond act" means the act authorizing the issuance of state general obligation bonds and adopting this chapter by reference.

Incorporation by reference

16723. Any bond act may adopt the provisions of this chapter by reference to its short title, and such reference shall serve to incorporate the provisions of this chapter in said act as though set out in full therein. Notwithstanding such adoption by reference, the bond act may contain provisions applicable to the bonds issued thereunder, and, in case of conflict, the provisions in the bond act shall prevail.

Whenever any bond act so adopting this chapter contains a provision providing for the submission of the bond act to the people of the State of California for approval, in the required

publication of the bond act prior to the election, the entire text of this chapter shall, in addition to the entire text of the bond act, be printed at length in said publication. This provision shall not be applicable when the bond act is approved and ratified by means of an amendment to the Constitution of the State of California.

16724. The bond act shall contain the following provisions: Bond act contents

(a) A statement of the total amount of bonds authorized to be issued and the purpose for which the proceeds from the sale of the bonds may be used.

(b) The creation of a committee and fund, and the naming of the board.

(c) A statement that the bonds are valid obligations of the State and a pledge of the full faith and credit of the State for the punctual payment of both principal and interest thereof.

(d) An appropriation from the General Fund in the State Treasury of such sum annually as will be necessary to pay the principal and interest on the bonds as they become due and payable.

(e) A requirement that there be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the State, as shall be required to pay the principal and interest on the bonds; and a provision making it the duty of all officers charged by law with any duty in regard to the collections of said revenue to do and perform each and every act which shall be necessary to collect such additional sum

(f) A provision requiring the transfer into the General Fund in the State Treasury, on the several dates on which funds are remitted pursuant to Section 16676 of the Government Code for the payment of the then maturing principal and interest on the bonds, from the fund, so far as available therein, of amounts equal to all sums so becoming due for principal and interest; and a provision that if the money so returned on said remittance dates is less than the principal and interest then due and payable, the balance remaining unpaid shall be transferred to the General Fund out of the fund as soon thereafter as it shall become available, together with interest thereon from such remittance dates until so returned at the same rate as borne by the bonds, compounded semiannually. This provision shall not be required whenever the fund will have receipts only from the proceeds of the sale of bonds issued pursuant to the bond act, or from proceeds of investments made pursuant to Section 16759.

(g) An appropriation from the General Fund to be available for expenses incurred by the State Treasurer in having the bonds prepared and in advertising their sale or their prior redemption; for expenses incurred by the committee pursuant to Section 16758; and for payment for legal services, upon approval of the State Board of Control, pursuant to Section 16760. This appropriation shall contain a requirement that out of the first money realized from the sale of bonds, there shall be redeposited

to the credit of such appropriation such sums as have been expended for the above purposes, which may be used for the same purposes and repaid in the same manner whenever additional sales are made; and a further requirement that whenever all the bonds authorized by the bond act have been sold, the amount of said appropriation shall revert to the unappropriated surplus of the General Fund.

(h) A provision incorporating the provisions of this chapter, and a declaration that the provisions hereof are included in said act as though set out in full therein.

Record of proceedings

16725. The Controller, the State Treasurer and the committee shall keep full and particular account and record of all their proceedings under the bond act and this chapter and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be transmitted by the Governor to the Legislature annually. All books and papers pertaining to the matters provided for in the bond act and this chapter shall at all times be open to the inspection of the Governor, the Attorney General, any committee of either branch of the Legislature, or any joint committee of both, any citizen of the State, or any interested party.

Transfer to General Fund

16726. Upon request of the board stating that the purposes for which the bonds were issued and sold has been effected, the committee shall certify this fact to the State Controller, and thereupon the unencumbered balance of cash remaining from the proceeds of the sale of the bonds in the fund shall, on order of the State Controller, be transferred therefrom to the General Fund.

Article 2. Issuance of Bonds

Determination of necessity

16730. Upon request of the board, supported as required in the bond act, the committee shall determine the necessity or desirability of issuing any bonds authorized to be issued and the amount of bonds then to be issued and sold. Successive issues of bonds may be authorized and sold and shall be designated by an appropriate number or other designation. It is not necessary that all of the bonds authorized to be issued be sold at any one time.

Resolution contents

16731. Whenever the committee determines that the sale of all or any part of the bonds authorized to be issued is necessary or desirable, it shall adopt a resolution to that effect. The resolution shall authorize and direct the State Treasurer to arrange for the preparation of the requisite number of suitable bonds and shall specify as to such bonds then to be sold:

(a) The aggregate number, aggregate par value, denominations and the date of the bonds to be then sold. Such denominations shall be in the sum of one thousand dollars ($1,000), or multiples thereof. The date appearing on said bonds shall be deemed to be the date of issuance for all purposes of this chapter, irrespective of the actual date of delivery of such bonds and the payment of the purchase price thereof.

(b) The dates of maturity, and the amount and numerical sequence of the bonds maturing at each date of maturity, which amounts need not be equal, but which dates shall be at annual or semiannual intervals, and the first of which dates of maturity shall be not more than five years, and the last of which dates of maturity shall be not more than 45 years, after the date of the bonds.

(c) Whether or not the bonds are to be subject to redemption at the option of the board prior to maturity, and, if so, the provisions for such redemption, the manner of the call thereof, and the price or prices at which the bonds shall be subject to redemption.

(d) The annual rate, or rates, of interest which the bonds to be issued shall bear, to be in multiples of one-fourth of 1 percent, which rate, or rates, at the discretion of the committee, may be determined by the bidder at the time of sale of said bonds, not exceed 5 percent per annum, payable semiannually.

(e) The number, numerical sequence, and due dates of the interest coupons to be attached to the bonds.

(f) The technical form and language of the bonds and interest coupons.

(g) Whether or not the right is reserved to make delivery in the form of temporary or interim bonds, certificates, or receipts, exchangeable for definitive bonds when executed and available for delivery, and if such right is reserved the denominations and form of such temporary securities.

(h) Whether or not the bonds are to be subject to registration, and if so, whether such registration is to be as to principal only, or as to both principal and interest, or in either of such forms at the option of the holder, and the form and all of the terms and conditions of such registration. If such registration is provided for, all of the provisions of this chapter with reference to the payment of bonds and interest coupons shall be subject to the terms and conditions of such registration with respect to the payment of registered bonds and the interest thereon

(i) All other terms and conditions of the bonds and of the execution, issuance and sale thereof, which shall be consistent with all of the provisions of this chapter.

(j) The date and hour fixed for the sale of the bonds, but such date may be changed by the Governor, in his discretion, by his directions given to the State Treasurer under Section 16750.

Dates of maturity

16732 In determining the dates of maturity of the bonds, and the amount thereof to mature at each date of maturity, the committee shall be guided, so far as it may deem to be practicable, by the amounts and dates of maturity of the revenue estimated to accrue to the fund pursuant to the bond act. The committee shall fix and determine the dates and amounts of such maturities in such manner that, together with the dates and amounts of interest payments on the bonds, they shall co-

incide, as nearly as it may deem to be practicable, with the dates and amounts of such estimated revenues.

Rate of interest

16733. The rate of interest to be borne by the bonds need not be uniform for all bonds of the same issue, and shall be the rate or rates specified in the bid accepted by the State Treasurer and fixed and determined by the committee in a resolution adopted at or after the sale of the bonds. The interest coupons first payable may be so payable at any time within one year after the date of such bonds

Method of payment

16734 Both principal of and interest on the bonds shall be payable in lawful money of the United States, at the Office of the State Treasurer, or at the office of the state fiscal agent in the City of New York, State of New York, or at the office of any duly authorized agent of the State Treasurer.

Reference to bond act

16735. Each bond shall contain a reference to the bond act, and if subject to call or redemption prior to maturity, a recital to that effect.

Article 3. Preparation and Execution of Bonds

Preparation of bonds

16740. Immediately after the adoption by the committee of any resolution in conformity with Section 16731, the State Treasurer shall arrange for the preparation of the requisite number of suitable bonds, in accordance with the resolution, and in so doing shall arrange for the imprinting thereon of the interest rates and other appropriate matter after the sale of the bonds and the awarding thereof to the successful bidder.

Signatures and seal

16741. All bonds shall bear the facsimile signature of the Governor and the facsimile countersignature of the Controller and shall be endorsed by the State Treasurer either by original signature or by a signature stamp, and each of said bonds shall bear an impress or a facsimile of the Great Seal of the State of California Interest coupons attached to each bond shall bear the facsimile signature of the State Treasurer. Each such signature shall be that of the person who shall be in office at the date of the affixing thereof, in the case of original or stamped signatures, or at the date of authorizing the affixing thereof, in the case of facsimile signatures. Bonds and coupons so executed, when sold, shall be valid and binding notwithstanding any of such persons having ceased to hold his respective office before their issuance and delivery.

Cancellation

16742. Whenever the committee may determine by resolution that for any reason any bonds which have been prepared and executed under the foregoing provisions should not be sold or issued, the State Treasurer shall cancel them by perforation with a suitable device in a manner to indicate such cancellation and the date thereof. Upon the committee so determining by resolution, new bonds, conforming to its directions, may be prepared and executed in lieu of any bonds so canceled, and may be sold and issued in the same manner as provided for other bonds in this chapter.

16743. If the right so to do has been reserved in the resolution adopted in conformity with Section 16731, temporary or interim bonds, certificates, or receipts may be issued and delivered in lieu of definitive bonds, and shall be exchangeable for such definitive bonds when they are executed and available for delivery. Such temporary securities shall conform to such resolution, and the signature of the State Treasurer alone, which may be by signature stamp, shall be sufficient execution thereof. Temporary securities

Article 4. Sale of Bonds

16750. Following the adoption by the committee of any resolution in conformity with Section 16731, the Governor shall direct the State Treasurer, in writing, under the seal of the State, to offer the bonds specified in the resolution for sale at a specified day and hour. Direction of sale

16751. Due notice of the time and place of sale of the bonds shall be given by the State Treasurer by publication in one newspaper published in the City and County of San Francisco, by publication in one newspaper published in the City of Sacramento, and by publication in one newspaper published in the City of Los Angeles, once a week during two weeks prior to such sale In addition to the notice last above provided for, the State Treasurer may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of one thousand dollars ($1,000) for each sale so advertised. Notice

16752. The State Treasurer may from time to time, by public announcement at the place and time fixed for the sale, continue such sale to such time and place as he may select.

16753. Each bid shall be in writing and signed by the bidder and sealed, and shall be accompanied by the deposit of a certified check or cashier's check for one-half of one percent (0.5%) of the par value of the bonds so offered for sale, but not exceeding one hundred thousand dollars ($100,000), drawn on a bank or trust company authorized to transact and transacting business in the State of California, payable to the State Treasurer. Such deposit shall not bear interest. Bids and deposits

16754. The bonds specified in the resolution and in the direction of the Governor shall be sold by the State Treasurer at the time so directed by the Governor, or at the time to which the sale shall have been so continued, at public sale, upon sealed bids, to the bidder whose bid will result in the lowest net interest cost on account of such bonds, but the State Treasurer must reject any and all bids for the bonds which shall be below the par value thereof plus the interest which shall have accrued thereon from the date thereof (or, if any past due coupon or coupons have been detached from said bonds prior to the delivery thereof, then from the due date of the latest coupon so detached) to the date of the purchaser's payment for said bonds. The net interest cost under each bid shall be determined by ascertaining the total amount of interest which the State would Bond sale

be required to pay under that bid, from the date of sale to the respective maturity dates of the bonds then offered for sale, at the coupon rate or rates specified in such bid, less the total amount of the premium, if any, offered by such bid. The bid under which the amount so ascertained is the least shall be deemed to be the bid resulting in the lowest net interest cost. Such sale shall be for cash, payable upon the delivery of the bonds in definitive form, or if the right to deliver temporary securities has been reserved, then upon the delivery of such temporary securities.

Disposition of deposits

16755. The deposit of each unsuccessful bidder shall be returned to him immediately upon the rejection of his bid or the acceptance of another bid.

The deposit of the successful bidder shall, immediately upon the acceptance of his bid, become and be the property of the State and be placed in the State Treasury to the credit of the fund, and shall be credited to the successful purchaser upon the purchase price of the bonds bid for in case such purchase price is paid in full by him within the time mutually agreed upon between the successful bidder and the State Treasurer. If the purchase price is not so paid, the successful bidder shall have no right in and to the bonds or by reason of his bid, nor, unless it shall appear that the bonds would not be validly issued if delivered to the purchaser in the form and manner proposed, shall such successful bidder have any right to the recovery of the deposit accompanying his bid or to any allowance or credit by reason of such deposit.

Bond delivery

16756. Upon payment in full, the bonds shall be delivered to the purchaser in definitive form, unless the right to deliver temporary securities has been reserved or the purchaser has waived the right to receive definitive bonds at the time of payment, in either of which events such temporary securities, exchangeable for definitive bonds, may be delivered upon such payment. In case the purchase price is not so paid, the bonds so sold but not paid for shall be resold by the State Treasurer, upon notice, as provided in case of original sale.

Disposition of proceeds

16757. The proceeds of each sale of bonds, and such amount as may have been paid as accrued interest on such bonds, shall be forthwith paid over by the State Treasurer into the fund. All money deposited in the fund under the provisions of this section which is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as provided in the bond act.

Expenses

16758. All actual and necessary expenses of the committee and of the members thereof incurred in the performance of their duties shall be paid out of the fund. Such expenses incurred by members of the committee shall be so paid upon claims filed with the State Controller by the member or members who incurred such expenses.

Investment of surplus money

16759. The Department of Finance is authorized to invest any surplus money in the fund in bonds or other obligations

of the United States, or of the State of California, or of the several counties, municipalities, school districts, or other public agencies of the State of California, and to sell such bonds, or obligations, or any of them, at the governing market rates. Interest earned or other increment derived from investments made pursuant to this section shall, on order of the State Controller, be deposited in the fund, and shall be available only for transfer to the General Fund, as provided in the bond act. Expenses incurred by the State Treasurer in taking and making delivery of bonds or other securities purchased as investments from such surplus money in the fund may be paid from the fund.

Opinions re bond validity

16760. Whenever the committee deems that it will increase the salability or the price of the bonds to obtain, prior to or after sale, a legal opinion, other than that of the Attorney General, as to the validity of the bonds, the committee may authorize the State Treasurer or the Department of Finance, or both, to obtain such a legal opinion.

Article 5. Payment, Cancellation, and Redemption of Bonds

Payment of bonds

16770. The State Treasurer, directly or through the state fiscal agent, at New York, New York, or through a duly authorized agent, shall, on the respective dates of maturity of all bonds, or on the date fixed for the prior redemption of any thereof which may be duly called for redemption, and on the respective due dates of all coupons pertaining to any of said bonds, other than coupons canceled because of the redemption of any of said bonds prior to maturity, or as soon thereafter as said bonds or coupons respectively are surrendered to him, or to such state fiscal agent, or other duly authorized agent, pay the same.

Cancellation

16771. Upon the payment of any such bond or coupon, the State Treasurer, or such state fiscal agent, or other duly authorized agent, shall perforate the same with a suitable device in a manner to indicate such payment and a record of such payment shall be made thereof. The State Treasurer, or such state fiscal agent, or other duly authorized agent, shall also on the respective dates of maturity of any such bonds which have been executed but which remain unsold, cancel the same by perforation with a suitable device in a manner to indicate such cancellation and the date thereof, and on the respective due dates of all coupons attached to any such bond remaining unsold, shall detach all such coupons the due date of which has been reached, and cancel them in the same manner as provided for the cancellation of bonds remaining unsold.

Destruction

16772. Not less than ten (10) years after the maturity date of bonds or coupons, the State Treasurer, or such state fiscal agent, or other duly authorized agent, may destroy or cremate any or all bonds and any or all coupons pertaining thereto which have been previously paid or canceled as provided herein.

Warrants

16773. Whenever any payment of principal of any bonds shall become due, either upon the maturity of any of the bonds or upon the redemption thereof prior to maturity, and whenever any interest on any of the bonds shall fall due, warrants shall be drawn against the appropriation made by the bond act from the General Fund by the State Controller in favor of the State Treasurer, or the state fiscal agent, or other duly authorized agent, pursuant to claims filed with the State Controller by the State Treasurer, in the amounts so falling due.

Redemption

16774. Whenever the board shall determine that any bonds then outstanding, and which by their terms are subject to redemption prior to maturity, should be redeemed, and that money sufficient for such redemption will be available in the fund at the time proposed for such redemption, it may, by resolution approved by the committee, direct the State Treasurer to call and redeem any such bonds, at a time specified in such resolution, and the State Treasurer shall thereupon give notice of such proposed redemption and redeem the bonds in accordance with the provisions for redemption provided for in the resolution of the board adopted under Section 16731 pursuant to which the bonds were issued.

CHAPTER 1699

An act to amend Section 27550 of the Government Code, relating to the county surveyor.

In effect September 9, 1953

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Section 27550 of the Government Code is amended to read:

County surveyor

27550. The surveyor shall be a licensed land-surveyor of the State. He shall be elected in the same manner and for the same term as other county officers unless the board of supervisors of the county shall have provided by ordinance for his appointment by the board

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CHAPTER 1700

An act to add Section 546 to the Streets and Highways Code, relating to the construction of a state highway across the Sierra Nevada Mountains and into the San Francisco Bay area.

In effect September 9, 1953

[Approved by Governor July 3, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Section 546 is added to the Streets and Highways Code, to read:

Construction of Route 234

546. Route 234 is hereby added to the State Highway System to run from the Nevada state line across the Sierra Nevada

Mountains into the San Francisco Bay area on a route to be selected by the California Highway Commission, which route may include all or portions of any existing state highway route or routes. The commission, in determining said route, shall consider military necessities and recommendations of appropriate federal authorities.

Allocation from State Highway Fund

The commission shall allocate from time to time as federal funds, other than regular federal aid apportionments, are made available as required in this section from the State Highway Fund the sum of twenty million dollars ($20,000,000), for the construction of said route. Such money shall be made available in equal parts in the five fiscal years next succeeding the effective date of this section to the extent that such federal funds are available for matching purposes in each of such years. The allocation of money provided for in this section shall be made out of moneys contained in the State Highway Fund available for construction of state highways in County Group No. 1, but which is not subject to Section 188.4 of this code; and expenditures from such allocation shall be credited against the expenditure required to be made pursuant to Section 188.4 in the counties in which the route provided for in this section lies until June 30, 1962.

Limitation

No money shall be expended from the allocation made by this section unless and until moneys equal to or in excess of the amount expendable each year from this allocation shall be made available by the Federal Government, in addition to the regular federal aid allocations, for expenditure by the department for the construction of the route provided for in this section, to the end that any sums expended from this allocation shall be matched by like or greater amounts from the Federal Government.

CHAPTER 1701

An act to add Sections 35 through 113, inclusive, to the Mendocino County Flood Control and Water Conservation District Act (Chapter 995 of the Statutes of 1949), relating to the formation of improvement districts within the Mendocino County Flood Control and Water Conservation District, and prescribing the government, organization, powers, duties and purposes of such improvement districts.

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 35 is added to the Mendocino County Flood Control and Water Conservation District Act, to read:

Improvement district Establishment

SEC. 35. Proceedings for the establishment of an improvement district shall be instituted by the Board of Supervisors of Mendocino County upon receipt of a petition requesting the formation of an improvement district and signed by not less

than 15 percent of the owners of real property in the territory proposed to be included within the improvement district as shown by the last equalized assessment 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.

SEC. 2. Section 36 is added to said act, to read:

Alternate method

Sec. 36. The procedure for undertaking projects or works of improvement through the creation of improvement districts 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 either by the district as a whole, or by zone projects initiated by the board.

SEC. 3. Section 37 is added to said act, to read:

Definitions

Sec. 37. As used in Sections 35 to 113, inclusive, of this act, the following terms, unless specifically indicated to the contrary, shall have the following meanings:

(a) "Works of improvement" includes, without limitation as to the generality thereof, maintenance, repair, or reconstruction of existing works.

(b) "Improvement district" means any improvement district of the Mendocino County Flood Control and Water Conservation District and organized and operated pursuant to Sections 35 to 113, inclusive, of this act.

(c) "Board of trustees," "trustees," and "trustee," respectively, mean the governing body of an improvement district, the members, and any member thereof.

(d) "Secretary" means the secretary of the board of trustees of an improvement district.

SEC. 4. Section 38 is added to said act, to read:

Petition Contents

Sec. 38. A petition for formation of an improvement district shall:

(a) Describe the name and boundaries of the proposed improvement district.

(b) Contain a general description of the works of improvement proposed to be acquired, constructed, operated or maintained.

(c) Include an estimate of the cost of the proposed works of improvement, including all incidental expenses in connection therewith.

(d) Include a request that an election be called in the proposed improvement district for the purpose of submitting to the qualified electors thereof the proposition of forming the improvement district and incurring indebtedness, by the issuance of the bonds of such district, to pay the costs and expenses of the proposed works of improvement.

(e) Be signed by the owners of not less than 15 percent of the assessed value of all taxable real property within the proposed improvement district, as shown on the last equalized assessment roll of Mendocino County.

SEC. 5. Section 39 is added to said act, to read:

SEC. 39. The petition shall be accompanied by a map showing the exterior boundaries of the proposed improvement district, with relation to the territory immediately contiguous thereto, and contain a general description of the location of the proposed works of improvement. Map

SEC. 6. Section 40 is added to said act, to read:

SEC. 40. 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 improvement district, conditioned that the petitioners shall pay the cost in case the formation of the improvement district is not effected. Undertaking

SEC. 7. Section 41 is added to said act, to read:

SEC. 41. 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 improvement district if it is thereafter organized. Legality unaffected

SEC. 8. Section 42 is added to said act, to read:

SEC. 42. Upon the presentation of a formation petition the board of supervisors shall fix a time for hearing thereon, and protests of interested parties, not less than 30 days after the date of the meeting at which the petition is presented. Hearing

SEC. 9. Section 43 is added to said act, to read:

SEC. 43. 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 proposed improvement district. Notice

SEC. 10. Section 44 is added to said act, to read:

SEC. 44. The notice shall be headed "Notice of the formation of _____ Improvement District" (stating name of the proposed improvement 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 works of improvement, specify the exterior boundaries of the improvement district to be benefited by the works of improvement and to be taxed to provide for the works of improvement, and refer to the petition and map for further particulars. Contents

SEC. 11. Section 45 is added to said act, to read:

SEC. 45. 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 proposed improvement district, and designated by the board of supervisors for that purpose. Publication

SEC. 12. Section 46 is added to said act, to read:

SEC. 46. The date set for the hearing shall be at least two weeks after the date of the posting and the date of last publication of the notice. Hearing date

SEC. 13. Section 47 is added to said act, to read:

SEC. 47. Any person interested, objecting to the formation of the improvement district, to the extent of the improvement Written protests

district, to the proposed works of improvement, or to the inclusion of his property in the improvement 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.

SEC. 14. Section 48 is added to said act, to read:

Sec. 48. 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.

SEC. 15. Section 49 is added to said act, to read:

Findings conclusive

Sec. 49. The board of supervisors 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 based upon a finding of benefit from the improvement district or its works of improvement to the territory included in the improvement district and shall be final and conclusive.

SEC. 16. Section 50 is added to said act, to read:

Protests sustained Result

Sec. 50. If any of the protests against the formation of the improvement district or against the proposed works of 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.

SEC. 17. Section 51 is added to said act, to read:

Protests against inclusion

Sec. 51. If any of the protests are against the inclusion of property in the improvement district, the board of supervisors may make such changes in the boundaries of the proposed improvement district as it finds to be proper and advisable and shall define and establish boundaries as changed.

SEC. 18. Section 52 is added to said act, to read:

Modification of boundaries

Sec. 52. The board of supervisors shall not modify the boundaries so as to exclude from the proposed improvement district any territory which will be benefited by the works of improvement, and any territory which will not, in the judgment of the board, be benefited by the works of improvement shall not be included within the proposed improvement district.

In no event, however, shall the supervisors modify the boundaries of the proposed improvement district so as to include lands not included within the boundaries as described in the petition of formation.

SEC. 19. Section 53 is added to said act, to read:

Jurisdiction of board

Sec. 53. The board of supervisors, after it has so established the boundaries, shall be deemed to have acquired jurisdiction to proceed further with respect to the formation of an improvement district under any of the following circumstances:

(a) If no protests to the formation of the improvement district are filed at or before the time set for hearing on the formation petition.

(b) If protests to the formation are filed and, after hearing, are denied.

SEC. 20. Section 54 is added to said act, to read:

Sec. 54. 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 an improvement district, provide for and order the holding of a special election in the proposed improvement district to submit to the qualified voters thereof the proposition of forming the improvement district, incurring a debt by the issuance of bonds of the improvement district for the purposes set forth in the petition for the formation of the improvement district and for electing the first district trustees who will take office if the district is formed. Election

SEC. 21. Section 55 is added to said act, to read:

Sec. 55. The ordinance or resolution calling the special election shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the estimated cost of the proposed works of 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. Ordinance or resolution Contents

SEC. 22. Section 56 is added to said act, to read:

Sec. 56. 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 improvement district, designate a polling place, and appoint one inspector, one judge and one clerk for each precinct. Precincts, election officials, etc

SEC. 23. Section 57 is added to said act, to read:

Sec 57. 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 semi-weekly, newspaper of general circulation printed and published in the County of Mendocino and designated by the board of supervisors for that purpose, and shall be posted in three of the most public places in the proposed improvement district at least 10 days prior to the date set for the election. No other notice of the election need be given. Publication of election resolution

SEC. 24. Section 58 is added to said act, to read:

Sec. 58. In all particulars not recited in the ordinance or resolution, including the manner of nominating and electing persons for the offices of first trustees of the improvement district, the election shall be held as provided by law for holding general elections in the County of Mendocino. General election laws applicable

SEC. 25. Section 59 is added to said act, to read:

Sec. 59. The vote shall be canvassed by the board of supervisors on the first Monday which is six or more days after the election. Vote canvass

SEC. 26. Section 60 is added to said act, to read:

Sec. 60. If at the election a two-thirds of the votes cast are in favor of the formation of the improvement district and the incurring of the bonded indebtedness the board of super- Election result

visors shall enter an order to that effect upon its minutes, declaring the improvement district formed, and the board of supervisors may thereupon issue bonds of said improvement district for the amount specified in the proceedings, payable out of funds of the improvement district, as prescribed in this act.

SEC. 27. Section 61 is added to said act, to read:

Bond issue

Sec. 61. The board of supervisors shall exercise the same functions and possess the same powers as the improvement district board of trustees in authorizing bonds in connection with the formation of an improvement district.

SEC. 28. Section 62 is added to said act, to read:

Unfavorable vote

Sec. 62. In case less than a two-thirds of the votes cast in the proposed improvement district are in favor of the measure, the formation fails but without prejudice to renewing proceedings at any time in the future.

SEC. 29. Section 63 is added to said act, to read:

Trustees

Sec. 63. Those five candidates who receive the highest number of votes for the office of trustee shall be declared elected.

SEC. 30 Section 64 is added to said act, to read:

Formation recorded

Sec 64. Upon the order of the board of supervisors declaring the improvement district formed, the county clerk shall immediately cause to be filed with the Secretary of State, and shall cause to be recorded in the Office of Mendocino County Recorder, a certificate stating that the formation of the improvement district was approved by the voters.

SEC. 31. Section 65 is added to said act, to read:

Certificate of Secretary of State

Sec 65 Upon the receipt of the certificate the Secretary of State shall within 10 days issue his certificate reciting that the improvement district, naming it, has been duly formed according to the laws of the State. A copy of this certificate shall be transmitted to and filed with the County Clerk of Mendocino County.

SEC. 32. Section 66 is added to said act, to read:

Date of formation

Sec. 66. From and after the date of the certificate of the Secretary of State, the improvement district named therein is formed as an improvement district with all the rights, privileges, and powers set forth in this act and necessarily incident thereto

SEC. 33. Section 67 is added to said act, to read:

Informality of proceedings

Sec. 67. No informality in any proceeding, including informality in the conduct of any election, not substantially affecting adversely the legal rights of any citizen shall invalidate the formation of any improvement district.

SEC. 34 Section 68 is added to said act, to read:

Validity contested

Sec. 68. Any proceeding wherein the validity of the formation of an improvement district is denied shall be commenced within three months from the date of the certificate of formation; otherwise the formation and legal existence of the improvement district and all proceedings in respect thereto shall be incontestable.

SEC. 35. Section 69 is added to said act, to read:

Sec. 69. Each improvement district shall have a board of five trustees each of whom, whether elected or appointed, shall be a voter of the improvement district. Board of trustees

SEC. 36 Section 70 is added to said act, to read:

Sec. 70. The trustees first elected upon the formation of the improvement district shall classify themselves by lot so that two of them shall hold office until the election and qualification of their successors at the first succeeding general improvement district election, and three of them shall hold office until the election and qualification of their successors in the second succeeding general improvement district election. Classification

SEC. 37. Section 71 is added to said act, to read:

Sec. 71. The term of office of each trustee other than trustees first elected shall be four years Term of office

SEC 38. Section 72 is added to said act, to read:

Sec. 72. The biennial election for the election of trustees shall be held on the first Tuesday of May in each second year after the formation of the improvement district. This election is the general improvement district election. Election date

SEC. 39. Section 73 is added to said act, to read:

Sec. 73 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 improvement district elections, except as otherwise provided in this act. General election laws applicable

SEC. 40. Section 74 is added to said act, to read:

Sec 74 If a person elected fails to qualify, the office shall be filled as if there were a vacancy in the office. Failure to qualify

SEC 41. Section 75 is added to said act, to read:

Sec. 75. All vacancies occurring in the office of trustee shall be filled by appointment by the remaining trustees elected. Vacancies

SEC. 42. Section 76 is added to said act, to read:

Sec 76. An appointment to fill a vacancy in the office of trustee shall be for the unexpired term of the office in which the vacancy exists. Term of appointment

SEC. 43. Section 77 is added to said act, to read:

Sec 77. Each trustee elected or appointed shall hold office until his successor qualifies. Duration of office

SEC. 44. Section 78 is added to said act, to read:

Sec. 78 Each trustee shall receive fifteen dollars ($15) for each meeting of the board of trustees attended by him, not exceeding three meetings in any calendar month. Compensation

SEC. 45 Section 79 is added to said act, to read:

Sec. 79. If allowed by the board of trustees a trustee shall also receive for performing duties for the improvement district other than attending board of trustee meetings:

(a) Not to exceed fifteen dollars ($15) for each day.

(b) Traveling and other expenses incurred by him in his employment.

SEC. 46. Section 80 is added to said act, to read:

Oath of office

Sec. 80. Before entering upon the duties of his office each trustee shall take and subscribe the official oath and file it with the secretary.

SEC. 47. Section 81 is added to said act, to read:

Sec 81. The oath of office may be taken before the secretary, any member of the board of trustees, or any officer authorized by law to administer oaths.

SEC. 48. Section 82 is added to said act, to read:

Organizational meeting

Sec. 82. Within 30 days after the election of the first trustees and thereafter within 30 days after each general improvement district election the trustees shall meet and organize as a board.

SEC. 49. Section 83 is added to said act, to read:

Sec. 83 The board of trustees shall:

(a) Elect one of its members president.

(b) Provide for the time and place of holding its regular meetings.

(c) Provide for the manner of calling special meetings

SEC. 50. Section 84 is added to said act, to read:

Sec 84. At its organization meeting the board may transact any business of the improvement district.

SEC. 51. Section 85 is added to said act, to read:

Act by resolution

Sec. 85. The board of trustees shall act by resolution.

SEC. 52. Section 86 is added to said act, to read:

Quorum

Sec. 86. A majority of the board of trustees shall constitute a quorum for the transaction of business.

SEC. 53. Section 87 is added to said act, to read:

Majority vote required

Sec 87. No resolution shall be passed or become effective without the affirmative votes of at least a majority of the members of the board of trustees.

SEC. 54 Section 88 is added to said act, to read:

Recordation of vote

Sec. 88 Except where action is taken by the unanimous vote of all trustees present and voting, the ayes and noes shall be taken upon the passage of all resolutions and entered upon the minutes of the board of trustees.

SEC. 55. Section 89 is added to said act, to read:

Public sessions

Sec. 89. All legislative sessions of the board of trustees shall be public.

SEC. 56. Section 90 is added to said act, to read:

Rules

Sec. 90. The board of trustees shall establish rules for its proceedings.

SEC. 57. Section 91 is added to said act, to read:

Secretary

Sec 91. The board of trustees shall, at its first meeting or as soon thereafter as practicable, appoint a secretary by a majority vote.

SEC. 58. Section 92 is added to said act, to read:

Sec. 92. A trustee shall not be secretary.

SEC. 59. Section 93 is added to said act, to read:

Sec. 93. The secretary shall receive the compensation determined by the board of trustees and shall serve at its pleasure.

SEC. 60. Section 94 is added to said act, to read:

Sec. 94. The board of trustees may at any time appoint or employ and prescribe the authorities and duties of other officers, employees, attorneys, and engineers necessary or convenient for the business of the improvement district, each of whom shall serve at the pleasure of the board of trustees. Other employees

SEC. 61. Section 95 is added to said act, to read:

Sec. 95. The secretary and other employees or assistants of the district required so to do by the board of trustees shall each give a bond to the district conditioned for the faithful performance of his duties as the board of trustees may provide. Bond

SEC. 62. Section 96 is added to said act, to read:

Sec. 96. The board of trustees is the governing body of the improvement district. Board of trustees Governing body

SEC. 63. Section 97 is added to said act, to read:

Sec. 97. Each member of the board of trustees, or the secretary, may administer oaths and affirmations in connection with the taking of testimony at any hearing, investigation, or other matter pending before the board of trustees. May administer oaths

SEC. 64. Section 98 is added to said act, to read:

Sec. 98. The president shall: President's duties

(a) Sign all contracts on behalf of the improvement district.

(b) Perform other duties imposed by the board trustees.

SEC. 65. Section 99 is added to said act, to read:

Sec. 99. The secretary shall: Secretary's duties

(a) Countersign all contracts on behalf of the improvement district.

(b) Perform other duties imposed by the board of trustees.

SEC. 66. Section 100 is added to said act, to read:

Sec. 100. The board of trustees shall: Powers of board

(a) Have full charge and control of the maintenance, operation, and construction of the works or system of the improvement district.

(b) Have full power and authority to employ and discharge all employees and assistants at pleasure.

(c) Prescribe the duties of employees and assistants.

(d) Fix and alter the compensation of employees and assistants subject to approval by the board of trustees.

SEC. 67. Section 101 is added to said act, to read:

Sec. 101. The board of trustees and all the officers of an improvement district have the same rights, powers, and privileges as to the improvement district as the board of directors and all the officers of the Mendocino County Flood Control and Water Conservation District have with respect to that district.

SEC. 68. Section 102 is added to said act, to read:

Sec. 102. Improvement districts, unless specifically indicated to the contrary, have, with respect to the territory within their respective boundaries, the rights, duties, powers, liabilities, purposes, privileges, immunities and disabilities conferred and specified by this act for and upon the Mendocino County Flood Control and Water Conservation District, specifically Improvement districts, rights powers, etc

including, but not restricted to, the powers to make, enter into, and perform contracts with the United States, the State of California or any agency or any political subdivision thereof, as provided in subdivisions (m) and (r) of Section 3 of this act.

SEC. 69. Section 103 is added to said act, to read:

Taxation, determination of amount

Sec. 103. On or before the fifteenth day of August of each year the board of trustees shall by resolution determine the amount of money necessary to be raised by taxation during the fiscal year beginning the first day of July next preceding.

SEC. 70. Section 104 is added to said act, to read:

Sec. 104. The determination of the amount of money necessary to be raised by taxation during the fiscal year, as determined pursuant to Section 103 shall be sufficient:

(a) When taken with other revenues available for the purpose, to meet interest and sinking fund requirements on all outstanding bonded indebtedness of the improvement district;

(b) To provide funds for the necessary expenditures for all other improvement district purposes.

SEC. 71. Section 105 is added to said act, to read:

Notice to board of supervisors and auditor

Sec. 105. At or before the time specified by Section 29120 of the Government Code for the levying of county and district taxes, the board shall furnish the board of supervisors and the auditor of Mendocino County a written statement of the amount of money determined by the board of trustees to be necessary to be raised by taxation pursuant to Sections 103 and 104.

SEC. 72. Section 106 is added to said act, to read:

Annual tax levy

Sec. 106. The board of supervisors of Mendocino County must, annually, at the time of levying county taxes, levy a tax on all taxable real property within the improvement district sufficient to raise an amount reported to them as herein provided by the board of trustees.

SEC. 73. Section 107 is added to said act, to read:

Tax rate

Sec. 107. Taxes may be levied in any year at a rate not to exceed two cents (2¢) per one hundred dollars ($100) assessed valuation of real property, exclusive of taxes necessary to raise the amount of money needed, when taken with other revenues available for the purpose, to meet interest and sinking fund requirements of all outstanding bonded indebtedness of the improvement district

SEC 74. Section 108 is added to said act, to read:

Computation

Sec. 108. The supervisors must determine the rate of such tax by deducting 10 percent for anticipated delinquencies from the total assessed value of the real property within the improvement district as it appears on the assessment roll of Mendocino 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.

SEC. 75. Section 109 is added to said act, to read:

Entry on assessment roll

Sec. 109. The tax so levied shall be computed and entered on the assessment roll by the county auditor of Mendocino County, and if the supervisors fail to levy the tax as provided in Sections 106 and 108, then the auditor must do so.

SEC. 76. Section 110 is added to said act, to read:

Sec. 110. Such tax shall be collected at the same time and in the same manner as county taxes, and when collected shall be paid into the Mendocino County treasury for the use of said improvement district. One percent of all money paid to the treasurer for the use of the improvement district shall be credited to Mendocino County to be expended by the county in defraying expenses incurred by county officials incidental to the handling of the funds.

Collection and disposition

SEC. 77. Section 111 is added to said act, to read:

Sec. 111. 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 pertaining to improvement districts, hereby adopted and made a part of this act. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

Provisions applicable

SEC. 78. Section 112 is added to said act, to read:

Sec. 112. The Treasurer of Mendocino County shall pay out of the funds of the improvement district only upon warrants of the Auditor of Mendocino County 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 of trustees, the amount of money in the treasury to the credit of the improvement district, the amounts of receipts since his last report, and the amounts paid out; such reports shall be verified and filed with the secretary of the board of trustees

Receipt and disposition of district funds

SEC. 79. Section 113 is added to said act, to read:

Sec. 113. The warrants drawn by the auditor for claims approved by the board of trustees must be presented to the Treasurer of Mendocino County, and if they are not paid on presentation, like endorsements must be made thereon, and they must be registered in like manner as warrants of Mendocino County 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.

Warrants

CHAPTER 1702

An act to amend Section 429 of the Fish and Game Code, relating to issuance of fishing and hunting licenses to disabled veterans.

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 429 of the Fish and Game Code is amended to read:

Fishing and hunting licenses Disabled veterans

429. Every totally disabled veteran of any war in which the United States has been, or may be engaged, upon the presentation of proof of an honorable discharge from service, and proof of service connected total disability certification from the Veterans Administration, shall be entitled to the licenses provided for in this article upon application to the Department of Fish and Game, Headquarters Office, Sacramento, free of charge, and shall be entitled to receive, free of charge, the tags provided for in Sections 1278 and 1201.3. The commission, and any employee of the Department of Fish and Game directed by the commission, may issue to any Indian residing in this State an order authorizing any person who may legally distribute sporting fishing licenses to give to such Indian a sporting fishing license, free of charge Said orders may be distributed only to such resident Indians as are, in the discretion of the person authorized to issue said orders, financially unable to pay the fees required for said licenses, and only to such resident Indians as have not been convicted of the violation of any law of this State relating to the protection of fish and game.

Indians

"War"

As used in this section, "war" means that period of time commencing: (a) When Congress declares war; or (b) when the armed forces of the United States are engaged in active military operations against any foreign power whether or not war has been formally declared; and ending upon the termination of hostilities as proclaimed by the President of the United States.

CHAPTER 1703

An act to amend Section 2931 of and to add Section 5227 to the Strects and Highways Code, relating to special assessment proceedings.

In effect September 9 1953

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Section 2931 of the Streets and Highways Code is amended to read:

Majority protest

2931. If any majority protest is against only a portion of the improvement or acquisition then all further proceedings to construct that portion of the improvement or to acquire that portion of the acquisition so protested against shall be barred for a period of one year, but the legislative body shall not be barred from commencing new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this act contained shall prohibit the legislative body, within said one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement or the acquiring of a portion of the acquisition so protested against if it finds, by the affirmative vote of four-fifths

New proceedings

of its members, that the owners of a majority of the property within the area of the assessment district to be established under said new proceedings are in favor of going forward with said portion of the improvement or acquisition.

SEC. 2. Section 5227 is added to the Streets and Highways Code, to read:

5227. Nothing in this act contained shall prohibit the legislative body, within said one-year period referred to in Section 5222 hereof, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of a majority of the property within the area of the assessment district to be established under said new proceedings are in favor of going forward with said portion of the improvement.

CHAPTER 1704

An act to add Sections 19034, 19035, 19036, 19037, 19071, 19162, and Chapter 17, Part 4, Division 14, consisting of Sections 19300 to 19312, inclusive, to the Streets and Highways Code, and to amend Sections 19150, 19161 and 19182 thereof, relating to highway lighting districts.

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 19034 is added to the Streets and Highways Code, to read:

19034. Upon the presentation of a petition requesting that the District Investigation Law of 1933 be declared inapplicable to the proceedings, the clerk of the board of supervisors shall immediately refer the same to an appropriate county officer, who shall certify to the board the number of owners of taxable property within the boundaries of the proposed district whose names appear on said petition, together with the percentage of the total assessed valuation of all taxable property within the boundaries of the proposed district, which said signatures represent.

District Investigation Law of 1933 Petition to declare inapplicable

SEC. 2. Section 19035 is added to the Streets and Highways Code, to read:

19035. If the certifying officer certifies that the petition bears the signatures of owners of taxable property within the proposed district, representing 60 percent or more of the total assessed valuation of all taxable property therein, the board of supervisors may determine and order, by a four-fifths vote, that the proceedings required by the District Investigation Law of 1933 are unnecessary and that said law shall not apply. The petition shall thereupon be filed without an accom-

Signatures required

panying bond or other undertaking. If said determination and order is made, the notice of hearing on the petition shall so state.

SEC. 3. Section 19036 is added to the Streets and Highways Code, to read:

County assessment roll conclusive

19036. The county assessment roll last equalized at the time the petition is first presented shall be conclusive evidence as to ownership of taxable property and the assessed value thereof.

SEC. 4. Section 19037 is added to the Streets and Highways Code, to read:

Affidavit prima facie evidence

19037. The affidavit of the person who circulated and obtained the signatures on the petition, stating that to the best of his knowledge and belief said signatures are genuine and are the signatures of residents within the proposed district, shall be prima facie evidence of the facts recited.

SEC. 5. Section 19071 is added to the Streets and Highways Code, to read:

Establishment of district

19071. If the board finds that the petition was signed by resident taxpayers representing 60 percent or more of the total assessed valuation of all taxable property within the territory therein proposed to be formed into a district, and within the boundaries thereof as finally established by the board, and that public interest and convenience do not require that an election be held upon the proposed formation of said district, it may proceed to establish the district by resolution. The provisions of Section 19112 shall apply to a district formed pursuant to this section.

SEC. 5.5. Section 19150 of the Streets and Highways Code is amended to read:

Contracts for installation and maintenance

19150. Within 10 days after the establishment of the district, the governing body shall advertise for bids for installing and maintaining the system and for servicing the same. The contract shall be awarded to the lowest responsible bidder. However, the rates to be paid shall not exceed the lawful rates applicable for the particular class of service and when necessary shall be those authorized by the Public Utilities Commission of the State of California The contract for service shall be for a period not less than three years from and after the date electric energy and service is first delivered to the lighting district pursuant to such contract and shall be extended automatically thereafter for successive terms of one year each; provided, that the agreement may be terminated by either party upon not less than sixty (60) days' written notice prior to the expiration date of the original term or any extended term The governing body shall reserve the right to abrogate the contract whenever service is offered to be supplied at two-thirds of the fixed contract price.

SEC. 6. Section 19161 of the Streets and Highways Code is amended to read:

Additional lights

19161. Upon the receipt of the petition, if the governing body determines that it will be just and equitable and in the public interest for the additional cost, if any, of installation and maintenance of said additional lights to be paid by the dis-

trict as a whole, it shall immediately estimate the cost of installing and maintaining the additional lights, and shall include in the regular tax levy for the first fiscal year in which it is possible to do so, a tax upon the taxable property within the district, at the equalized value thereof for that year, sufficient to pay the cost of installing and maintaining the additional lights. After the tax levy has been made the governing body shall proceed with the installation of the additional lights.

SEC. 7. Section 19162 is added to the Streets and Highways Code, to read:

19162. If the governing body determines that it will not be just and equitable, or in the public interest, for the cost of installation and maintenance of said additional lights to be paid by the district as a whole, it shall deny the petition without prejudice to the filing of a new petition pursuant to Chapter 17 of this part.

SEC. 8. Section 19182 of the Streets and Highways Code is amended to read:

19182. If a lighting district is organized in any year too late for the levy of a tax in that year or in the next ensuing year, the board of supervisors is hereby authorized to transfer funds of the county not immediately needed for county purposes to the funds of the district to be used for the payment of the expenses of such district until such time as tax receipts are available therefor. The governing body may authorize the immediate installation of the lighting system in the district, and shall include in the levy of taxes for the lighting district for the first fiscal year in which a tax may be levied, a sum sufficient to repay to the county the amounts so transferred to the district for the portion or portions of the preceding fiscal year or years for which no levy of taxes was made for that purpose, and said amounts shall be retransferred to the county treasury out of the first available receipts from the tax levy.

District organized late

SEC. 9. Chapter 17 is added to Part 4 of Division 14 of the Streets and Highways Code, to read:

CHAPTER 17. TEMPORARY ZONES

19300. A petition asking for the installation and maintenance of additional lights pursuant to Chapter 9 of this part may request the board of supervisors to establish a temporary zone consisting solely of contiguous territory within the district which will be benefited by said additional lights, for the purpose of levying a special tax therein to finance the cost of installation and temporary maintenance thereof. In such case, the petition shall contain:

Temporary zone for additional lights

(a) A general description of the nature of the proposed additional lights, together with a map showing the location thereof.

(b) An estimate of all costs or charges which will be incurred in connection with the installation thereof, together with a statement as to the period of time, not to exceed three years, proposed for the payment of said costs or charges.

(c) An estimate of the average monthly cost of maintenance of said lights.

(d) A description of the boundaries of the proposed temporary zone.

A proposal to form a temporary zone pursuant to this section shall be subject to the provisions of Chapter 3 of Title 6 of the Government Code to the same extent as a proposal to form a district.

Petition for annexation Temporary zone

19301. A petition for annexation filed pursuant to Chapter 12 of this part may, in addition to other matters required by that chapter, request that if the territory therein described, or any part thereof, is annexed to the district, the board of supervisors shall establish said annexed territory as a temporary zone for the purpose of levying a special tax therein to finance the cost of installation and temporary maintenance of the lights proposed to be installed in said annexed territory. In such case, the petition shall also contain:

(a) A general description of the nature of the lights proposed to be installed, together with a map showing the location thereof.

(b) An estimate of all costs or charges which will be incurred in connection with the installation thereof, together with a statement as to the period of time, not to exceed three years, proposed for the payment of said costs or charges.

(c) An estimate of the average monthly cost of maintenance of said lights

Action on petition

19302. Upon the presentation of a petition pursuant to this chapter, the clerk of the board of supervisors shall immediately refer the same to an appropriate county officer, who shall certify to the board the number of owners of taxable property within the boundaries of the proposed zone whose names appear on said petition, together with the percentage of the total assessed valuation of all taxable property within the boundaries of the proposed zone, which said signatures represent.

Notice of hearing

19303 If the certifying officer certifies that the petition bears the signatures of owners of taxable property within the proposed zone representing 60 percent or more of the total assessed value of all taxable property therein, the petition shall be filed, and the board of supervisors shall fix a time for hearing the petition and the protests of interested parties, and shall cause a notice of the filing of the petition and the time set for the hearing to be published in a newspaper designated by said board as most likely to give notice to the inhabitants of the district and the proposed zone. If there is no such newspaper, copies of the notice shall be posted in three conspicuous places in the territory to be annexed, for three weeks prior to the date fixed for hearing the petition The notice shall contain the text of said petition, but the names of the signers of the petition need not be published Notice given pursuant to this section is a sufficient compliance with Section 19211.

Insufficient signatures

If the certifying officer's certificate shows that the petition does not bear the required number of signatures, the request

for the formation of a temporary zone shall be denied, without prejudice to the filing of a new petition therefor, and the board of supervisors shall proceed to consider and act upon the petition as a petition filed pursuant to Chapter 9 or Chapter 12 of this part, as the case may be.

Hearing

19304. Upon the date fixed for the hearing, or at any time to which it is continued, the board of supervisors shall, in addition to any other proceedings required by law, consider the request for formation of a temporary zone and any objections which may be filed against it or against the formation of the proposed zone

Establishment of zone

19305. If the board of supervisors determines, with respect to a petition for additional lights filed in conformity with this chapter, that

(a) It is just and equitable, and in the public interest, that the proposed temporary zone be formed, and

(b) The petition was signed by resident taxpayers representing 60 percent or more of the total assessed valuation of all taxable property within the territory proposed to be formed into a zone,

the board shall by resolution, entered in its minutes, fix and describe the boundaries of the proposed zone in such manner that any territory which will not be benefited by inclusion therein, or which is not contiguous thereto, or which is not described in the petition, shall not be included therein; shall declare said zone established, designating it by an identifying name or number; and shall specify the purposes and duration thereof, not to exceed three years from the beginning of the next ensuing fiscal year in which a special tax levy may be made in said zone.

Territory annexed

19306. If the board of supervisors determines, with respect to a petition for annexation filed in conformity with this chapter, that

(a) The petition for annexation should be granted in whole or in part, pursuant to Chapter 12, and

(b) It is just and equitable, and in the public interest, that the proposed temporary zone be formed, and

(c) That the petition was signed by resident taxpayers representing 60 percent or more of the total assessed valuation of all taxable property within the area therein proposed to be annexed,

the board, in addition to those proceedings required by Chapter 12, shall by resolution entered in its minutes, declare said annexed territory established as a temporary zone with boundaries coterminous with the boundaries of the territory annexed, designating said zone by an identifying name or number; and shall specify the purposes and duration thereof, not to exceed three years from the beginning of the next ensuing fiscal year in which a special tax levy may be made therein.

Applicable provisions

19307. The provisions of Sections 19036 and 19037 apply to proceedings under this chapter.

Statement of boundaries

19308. A statement regarding the boundaries of a zone established pursuant to this chapter shall be filed as provided by Chapter 8, Part 1, Division 2, Title 5 of the Government Code, together with a statement as to the period of duration of said zone specified in the resolution establishing it.

Installation order

19309. In order that the lights proposed to be installed and maintained in a zone may be installed therein immediately after its formation, the governing body may authorize the immediate installation of the proposed lights in said zone, and may contract to pay any costs or charges incurred by reason of such installation in equal periodic payments over a period not to exceed the period of duration of said zone specified in the resolution establishing it.

Transfer of moneys

19310. The board of supervisors may from time to time transfer moneys to the district, for the benefit of said zone, from any available funds of the county. Any moneys so transferred are hereby appropriated, and shall be used, for the payment of any currently payable expenses incurred by reason of the installation of the lights proposed for said zone, and for the cost of maintenance thereof prior to December 1st of the first fiscal year in which a special tax may be levied in and on behalf of said zone. All costs of maintenance of said lights, subsequent to said date, shall be budgeted and included in the general levy of taxes in and on behalf of the district as a whole.

Special taxes

19311. The board of supervisors shall, in the first fiscal year in which a special tax may be levied in and on behalf of said zone, levy a special tax upon the taxable property therein for the purposes of said zone, and shall include in said levy a sum sufficient to repay to the county the amounts transferred to the district pursuant to Section 19310. The amounts so transferred shall be retransferred to the county treasury from the first available receipts from said special levy in said zone.

Thereafter in the succeeding fiscal year or years during which said temporary zone remains in existence, the board shall levy a special tax therein sufficient to pay any additional costs or charges incurred by reason of the installation of said lights therein, which may by contract be made payable in such year or years.

All special taxes levied in and on behalf of a zone, pursuant to this section, are in addition to any taxes levied therein for and on behalf of the district as a whole.

Duration of zone

19312. A zone shall remain in existence for the period of time specified in the resolution of the board of supervisors which established it, and shall thereafter automatically terminate; provided, there are then no outstanding obligations payable from special taxes to be levied in said zone.

CHAPTER 1705

An act to amend Sections 1325 and 1326 of the Code of Civil Procedure, relating to real or personal property held in the Unclaimed Property Fund or the School Land Fund, and making an appropriation.

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1325 of the Code of Civil Procedure is amended to read:

Unclaimed Property Fund Authorized expenditures

1325. All money in the Unclaimed Property Fund is hereby continuously appropriated to the Controller, without regard to fiscal years, for expenditure for the following purposes.

(a) For refund, to the person making such deposit, of amounts, including overpayments, deposited in error in such fund;

(b) For payment of the cost of title searches and appraisals incurred by the Controller covering real or personal property held in the name of an account in such fund;

(c) For payment of the cost incurred by the Controller covering indemnity bonds required in order to have duplicate certificates of ownership issued in order to replace lost certificates, covering personal property held in the name of an account in such fund;

(d) For payment of amounts required to be paid by the State as trustee, bailee, or successor in interest to the preceding owner, pursuant to the provisions of trust deeds, mortgages, or other liens on real property held in the name of an account in such fund;

(e) For payment of costs incurred by the Controller for the repair, maintenance and upkeep of real and personal property held in the name of an account in such fund;

(f) For payment of costs of official advertising in connection with the sale of real or personal property held in the name of an account in such fund;

(g) For payment to taxing agencies of the amounts deducted by the Controller from allowed and approved claims, in accordance with the provisions of subdivision (c) of Section 4986.5 of the Revenue and Taxation Code;

(h) For transfer to the General Fund, on order of the Controller, of the amount of any inheritance taxes determined to be due and payable to the State by any claimant, with respect to any real or personal property, including cash, claimed by him under the provisions of this title;

(i) For payment and delivery to claimants of money or other property held to the credit, or in the name, of an account in such fund, under the provisions of this title;

(j) For transfer to the School Land Fund, on order of the Controller, of any money or other property in the Unclaimed

Property Fund which becomes permanently escheated to the State under the provisions of this title.

Any expenditure made by the Controller pursuant to the provisions of this section shall be charged against any balance credited to the particular account in the Unclaimed Property Fund, in the name of which is held the real or personal property for which the expenditure is made; and if sufficient balance is not available in such account, the expenditure may be made from any appropriation from the General Fund for the support of the Controller, or, in the case of official advertising, from any appropriation available therefor, to be reimbursed from the proceeds of any subsequent sale of the property for which such expenditure is made.

SEC. 2. Section 1326 of the Code of Civil Procedure is amended to read:

Approval required

1326. Any obligation incurred or expenditure made by the Controller pursuant to subdivisions (b) to (e), inclusive, of Section 1325, or pursuant to Section 1325.1, of this code, which is in excess of two hundred dollars ($200), shall be subject to the approval of the State Board of Control prior to incurring such obligation.

CHAPTER 1706

An act to amend Sections 1720, 1770, 1771, and 1773 of the Labor Code, to add Sections 1773.1, 1773.5, 1773.6 and 1773.7 to said code, relating to prevailing wages on public works.

In effect September 9, 1953

[Approved by Governor July 4, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Section 1720 of the Labor Code is amended to read:

"Public works"

1720. As used in this chapter "public works" means: (a) Construction, alteration, demolition or repair work done under contract and paid for in whole or in part out of public funds, except work done directly by any public utility company pursuant to order of the Public Utilities Commission or other public authority.

(b) Work done for irrigation, utility, reclamation and improvement districts, and other districts of this type. "Public work" shall not include the operation of the irrigation or drainage system of any irrigation or reclamation district, except as used in Sections 1850 to 1854 of this code relating to employment of aliens, and Section 1778 relating to retaining wages.

(c) Street, sewer or other improvement work done under the direction and supervision or by the authority of any officer or public body of the State, or of any political subdivision or district thereof, whether such political subdivision or district operates under a freeholder's charter or not.

SEC. 2. Section 1770 of said code is amended to read as follows:

1770. The body awarding the contract or authorizing the public work shall determine the general prevailing rate of per diem wages in accordance with the standards set forth in Section 1773, and its determination in the matter shall be final except as provided in Sections 1773.4 and 1773.6. Nothing in this article, however, shall prohibit the payment of more than the general prevailing rate of wages to any workman employed on public work. Nothing in this act shall permit any overtime work in violation of Article 3 of this chapter.

Determination of wage rate

SEC. 3. Section 1771 of said code is amended to read:

1771. Not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work fixed as provided in this chapter, shall be paid to all workmen employed on public works exclusive of maintenance work.

SEC. 4. Section 1773 of said code is amended to read:

1773. The body awarding any contract for public work, or otherwise undertaking any public work, shall ascertain the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft, classification or type of workman needed to execute the contract, and shall specify in the call for bids for the contract, and in the contract itself, what the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work in the locality is for each craft, classification or type of workman needed to execute the contract. The holidays upon which such rates shall be paid need not be specified by the awarding body, but shall be all holidays recognized in the collective bargaining agreement applicable to the particular craft, classification or type of workman employed on the project.

In determining such rates, the awarding body shall ascertain and consider the applicable wage rates established by collective bargaining agreements and such rates as may have been predetermined for federal public works, within the locality and in the nearest labor market area Where such rates do not constitute the rates actually prevailing in the locality, the awarding body shall obtain and consider further data from the labor organizations and employers or employer associations concerned, including the recognized collective bargaining representatives for the particular craft, classification or type of work involved. The rate fixed for each craft, classification or type of work shall be not less than the prevailing rate paid in such craft, classification or type of work.

SEC. 4 5 Section 1773.4 is added to said code, to read:

1773.4. Any prospective bidder or his representative, any representative of any craft, classification or type of workman involved, or the awarding body may, within 10 days after commencement of advertising of the call for bids by the awarding body, file with the Director of Industrial Relations a verified

Petition for review

petition to review the determination of any such rate or rates upon the ground that they have not been determined in accordance with the provision of Section 1773 of this code. Within two days thereafter, a copy of such petition shall be filed with the awarding body. The petition shall set forth the facts upon which it is based The Director of Industrial Relations or his authorized representative shall, upon notice to the petitioner, the awarding body and such other persons as he deems proper, including the recognized collective bargaining representatives for the particular crafts, classifications or types of work involved, institute an investigation or hold a hearing. Within 20 days after the filing of such petition he shall make a determination and transmit the same in writing to the awarding body and to the interested parties.

Hearing

Determination final

Such determination shall be final and shall be the determination of the awarding body. Upon receipt by it of the notice of the filing of such petition the body awarding the contract or authorizing the public work shall extend the closing date for the submission of bids or the starting of work until five days after the determination of the general prevailing rates of per diem wages pursuant to this section.

Notice of petition

Upon the filing of any such petition, notice thereof shall be set forth in the next and all subsequent publications by the awarding body of the call for bids. No other notice need be given to bidders by the awarding body by publication or otherwise. The determination of the director shall be included in the contract.

SEC. 5. Section 1773 5 is added to said code, to read:

Regulations

1773.5. The Director of Industrial Relations may establish rules and regulations for the purpose of carrying out the prevailing wage provisions of this article.

SEC. 6. Section 1773.6 is added to said code, to read:

1773 6. Where the body awarding the contract or authorizing the public work is the State Department of Public Works or any division thereof, it shall file, quarterly, its determination of general prevailing rates of per diem wages for those localities in which public work is to be performed, in the Office of the Director of Industrial Relations, commencing not later than January 10, 1954. Such determination shall be final except as hereinafter provided. If during any quarterly period the Director of Industrial Relations shall determine that there has been a change in any prevailing rate of per diem wages in any locality he shall immediately notify the awarding body of such change and his determination shall be final Such determination by the Director of Industrial Relations shall not be effective as to any contract for which the notice to bidders has been published

Quarterly determination of prevailing wages

SEC 7. Section 1773.7 is added to said code, to read:

Provisions not applicable

1773.7. The provisions of Sections 1773 4 and 1773 5 shall not apply to the State Department of Public Works or any division thereof.

CHAPTER 1707

An act to add Section 804.1 to the Agricultural Code, relating to pears.

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 804.1 is added to the Agricultural Code, to read:

804.1. Notwithstanding any provisions of Section 804, when pears are wrapped and packed throughout in uniform layers and rows in straight side containers, other than standard containers Number 19 and Number 20, the containers need not be marked with the count of the pears in the containers.

Container markings

CHAPTER 1708

An act to amend Section 146 of the Vehicle Code, relating to registration of vehicle previously registered outside the State.

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 146 of the Vehicle Code is amended to read:

146. Application for Registration of Vehicle Previously Registered Outside This State. (a) Upon application for registration of a vehicle previously registered outside this State, the application shall be certified by the applicant and shall also state such fact and the time and place of the last registration of such vehicle outside this State and the name and address of the governmental officer, agency, or authority making such registration, together with such further information relative to its previous registration as may reasonably be required by the department, including the time and place of original registration, if known, and if different from such last foreign registration. The applicant shall surrender to the department all unexpired license plates, seals, certificates or other evidence of foreign registration. The department may require a certification from the jurisdiction of last registry when the applicant fails to surrender the last issued unexpired license plate or plates. Upon application made at the time of their surrender to the department and upon payment of a fee of one dollar ($1), the department shall return the unexpired license plates to the official in charge of the registration of motor vehicles in the state of issue of said license plates.

Registration of out-of-state vehicles

(b) Where in the course of interstate operation of a vehicle registered in another state it is desirable to retain registration

Retaining foreign registration

of said vehicle in such other state, such applicant need not surrender but shall submit for inspection said evidence of such foreign registration and the department upon a proper showing shall register said vehicle in this State but shall not issue a certificate of ownership for such vehicle.

CHAPTER 1709

An act to amend Section 7347 of the Business and Professions Code, relating to teaching electrology.

In effect September 9, 1953

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Section 7347 of the Business and Professions Code is amended to read as follows:

Electrology instructor's permit

7347. Every person who, on the effective date of this section, was a licensed electrologist and who had one year of teaching experience in electrology in this State within the three years preceding such effective date, or who on such effective date was such licensed electrologist and was employed in a school, as a teacher of electrology, and who applied to the board on a form prescribed by the board within 120 days after the effective date of the 1951 amendment of this section, shall receive an electrology instructor's permit. No fee shall be charged. Thereafter an electrology instructor's permit shall be issued in accordance with Section 7346.

CHAPTER 1710

An act to add Sections 1155.5 and 1179.5 to the Fish and Game Code, relating to birds and mammals.

In effect September 9, 1953

[Approved by Governor July 6, 1953. Filed with Secretary of State July 7, 1953.]

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

SECTION 1. Section 1155.5 is added to the Fish and Game Code, to read:

Taking of predatory birds and mammals

1155.5. Notwithstanding the provisions of Section 1155, predatory birds and predatory mammals which are found to be injuring growing crops or property may be taken at any time or in any manner by the owner or tenant of the premises or such species may be so taken by federal, state or county officers or employees when acting in their official capacities pursuant to provisions of the Agricultural Code pertaining to pests, or pursuant to the provisions of Section 139.5 of said code.

SEC. 3. Section 1179.5 is added to said code, to read:

Condor permits denied

1179.5. Notwithstanding any provision of Sections 35, 1155.5, and 1179, or any other provision of law, it is unlawful

to take any condor at any time or in any manner. No provision of this code or any other law shall be construed to authorize the issuance of a permit to take any condor and no such permit heretofore issued shall have any force or effect for any purpose on and after January 15, 1954.

CHAPTER 1711

An act to amend Section 69650 of the Government Code, relating to the compensation of superior court judges.

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 69650 of the Government Code is amended to read:

69650. The annual salary of each judge of the Superior Court of the County of Fresno is fifteen thousand dollars ($15,000).

Fresno County Superior Court judges Salaries

CHAPTER 1712

An act to appropriate money to the Department of Agriculture for surveys of raisin production.

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

In effect September 9 1953

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

SECTION 1. There is hereby appropriated out of the General Fund in the State Treasury the sum of ten thousand dollars ($10,000) to the Department of Agriculture to provide for surveys of potential and actual raisin production.

Appropriation Raisin production survey

CHAPTER 1713

An act to amend Section 4395 of the Agricultural Code, relating to funds for fluid milk and milk-fat testing, weighing and sampling.

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 4395 of the Agricultural Code is amended to read:

4395. In addition to the enforcement of this chapter by the Bureau of Milk Control, the director is hereby charged with

Milk-fat testing, etc.

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 forty thousand dollars ($40,000), 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 1714

An act to amend Sections 2, 3, and 4 of, and to add Sections 6, 7, 8, 9, 10, and 11 to, Chapter 20 of the 1952 Second Extraordinary Session, relating to the acquisition of properties for state highway purposes, and making an appropriation.

In effect September 9, 1953

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

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

SECTION 1. Section 2 of said act is amended to read:

Rights of way

SEC. 2. All money deposited in, or transferred to, the Highway Right of Way Acquisition Fund under the provisions of Sections 1 and 7 of this act may be expended by the Department of Public Works for the acquisition of properties to constitute rights of way for state highway purposes but only when the California Highway Commission by resolution, as a part of its finding of public necessity, declares that the property should be acquired on a designated state highway route or designated portion thereof because of the probability of development of properties which will be needed for highway purposes, and that prompt acquisition is required to prevent such development and consequent higher acquisition and construction costs when the highway or a portion thereof is to be constructed.

SEC. 2. Section 3 of said act is amended to read:

Rental, sale, proceeds

SEC. 3. All revenues received from any rentals of any property so acquired from money appropriated by Section 1 or from the disposition of any improvements thereon or the proceeds of the sale of any excess parcels of property so acquired shall be deposited in the State Highway Fund.

SEC. 3. Section 4 of said act is amended to read:

Disposition of funds

SEC. 4. Whenever, after any properties are acquired from funds appropriated by Section 1, the department proceeds with the construction of a highway which will require the use of any of the property so acquired, the commission shall allocate and the department shall deposit in the Highway Right of Way Ac-

quisition Fund from other funds available to it the cost of such properties, and in any event, funds shall be allocated or credited for deposit in the Highway Right of Way Acquisition Fund from other highway revenues so that by July 1, 1962, there will have been repaid to said fund all amounts used from such appropriation. On July 1, 1962, the department shall, from the Highway Right of Way Acquisition Fund, repay to the Motor Vehicle Fuel Fund the amount transferred under Section 1.

SEC. 4. Section 6 is added to said act, to read:

Sec. 6. The Controller shall from time to time determine whether any portion of the money in the Motor Vehicle Fund, the Motor Vehicle Transportation Tax Fund, and the motor vehicle uncleared collections account in the Special Deposit Fund, or any of them, including investments under the provisions of Article 4 of Chapter 3 of Part 2 of Division 4 of Title 2 of the Government Code, is not necessary for immediate use and, if so, the amount thereof, which shall thereupon be designated as "available money." Available money

SEC. 5. Section 7 is added to said act, to read:

Sec. 7. On demand of the Department of Public Works from time to time, the amounts demanded, not exceeding twenty million dollars ($20,000,000) in the aggregate, shall on order of the Controller, be transferred to the Highway Right of Way Acquisition Fund from such "available money"; provided, however, that of said twenty million dollars ($20,000,000), ten million dollars ($10,000,000) shall not be transferred to the Highway Right of Way Acquisition Fund until July 1, 1954, and no transfer shall be made which would reduce the aggregate amount of money in the funds mentioned in Section 6, including investments, to less than ten million dollars ($10,000,000). Limitations

SEC. 6. Section 8 is added to said act, to read:

Sec. 8. The Controller may from time to time make redeterminations as to what portion of any of the funds mentioned in Section 6 is not necessary for immediate use, but the amount of "available money," as defined in said section, shall not be decreased to such an extent that the amount thereof is insufficient to enable transfers to be made, when required to be made, to the Highway Right of Way Acquisition Fund in the aggregate amount provided for in Section 7.

SEC. 7. Section 9 is added to said act, to read:

Sec. 9. All revenues received from any rentals of any property acquired from money transferred under Section 7 or from the disposition of any improvements thereon or the proceeds of the sale of any excess parcels of property so acquired shall be deposited in the State Highway Fund. Rental, sale, proceeds

SEC. 8. Section 10 is added to said act, to read:

Sec. 10. Whenever, after any properties are acquired from funds transferred under Section 7, the department proceeds with the construction of a highway which will require the use of any of the property so acquired, the commission shall allocate and the department shall deposit in the Highway Right of Repayments

Way Acquisition Fund, from other funds available to it, the cost of such properties, and in any event, funds shall be so allocated or credited for deposit in the Highway Right of Way Acquisition Fund from other highway revenues so that by July 1, 1962, there will have been repaid to said fund all amounts used from the money transferred under Section 7. On July 1, 1962, the department shall, from the Highway Right of Way Acquisition Fund, repay to the funds from which transfers were made under Section 7 the amounts so transferred.

SEC. 9. Section 11 is added to said act, to read:

Unreturned balance

Sec. 11. For the purpose of computing or making any apportionment or transfer under any other law, the unreturned balance of any amount transferred under Section 7 shall be deemed to be in the fund from which so transferred.

CHAPTER 1715

An act to amend Section 69670 of the Government Code, relating to salaries of judges of the Superior Court in Orange County.

In effect September 9, 1953

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

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

SECTION 1. Section 69670 of the Government Code is amended to read:

Orange County Superior Court judges Salaries

69670. The annual salary of each judge of the Superior Court of the County of Orange is fifteen thousand dollars ($15,000).

CHAPTER 1716

An act to add Chapter 6 to Division 23 of the Health and Safety Code, and to add Article 5 to Chapter 1 of Division 6 of the Military and Veterans Code, relating to the consolidation of local hospital and memorial districts.

In effect September 9, 1953

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

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

SECTION 1. Chapter 6 is added to Division 23 of the Health and Safety Code, to read:

CHAPTER 6. CONSOLIDATION

Consolidation of districts

32490. Any district organized under this division may be consolidated pursuant to this chapter with any memorial district organized or existing under Chapter 1 of Division 6 of

the Military and Veterans Code, if the boundaries of the districts are coterminous.

Resolution

32490.1. Whenever the board of directors of each district deems it for the best interests of the district that it be consolidated with the other district, it may adopt a resolution reciting that fact and declaring its willingness to consolidate. It shall then send copies of the resolution to the board of directors of the other district and to the board of supervisors of the county in which the district is located.

Petition

32490.2. Proceedings for consolidation may also be initiated by the filing of a petition for consolidation with the board of directors of each district. Each petition shall be signed by registered voters residing within the boundaries of the proposed district equal in number to not less than 12 percent of the number of votes cast therein for the office of Governor at the last preceding election at which a Governor was elected.

Upon the filing of a petition with it, the board of directors shall adopt a resolution reciting the fact of receipt, and then send copies of the petition and resolution to the board of directors of the other district and to the board of supervisors of the county in which the district is located.

Special election

32490.3. Upon receiving from each district either a copy of a formation resolution or a copy of a formation petition, together with a copy of the resolution of the receipt of such petition, the board of supervisors shall call a special election within the area of each district to vote on the proposition of consolidation.

Insofar as possible, the provisions of this division relating to an election on the formation of a local hospital district shall apply to an election called pursuant to this section.

Governing board

32490.4. There shall also be elected by the voters at such election a governing board of seven directors for the consolidated district to act for the district in the event that the proposition on consolidation is voted on favorably.

Classification

The members of the board elected at the election shall so classify themselves by lot that, if the election is in an even-numbered year, four shall go out of office the first Tuesday in January next following their election, and three shall go out of office two years thereafter; or, if the election is in an odd-numbered year, four shall go out of office the first Tuesday in January of the second year following their election, and three shall go out of office two years thereafter. Their successors shall be elected for terms of four years.

Applicable provisions

Except as may otherwise be provided in this section, all of the provisions of this division respecting the election, organization and terms of the members of the board of directors of a local hospital district shall apply to the election, organization and terms of the members of a board of directors elected pursuant to this section.

District name

32490.5. If a majority of the votes cast at the election on consolidation favors consolidation, the board of supervisors shall adopt a resolution declaring that the districts involved are consolidated into one district and giving the district a name.

Such name shall include "memorial," and "memorial" shall be part of the name of any hospital which is constructed or operated by the district.

Filing of resolution

32490.6. Certified copies of the resolution shall be filed with the Secretary of State and, for record, in the office of the county recorder of the county in which the district is located.

Effect of filing

32490.7. Upon such filing the districts involved shall be deemed consolidated into a single consolidated district with all the rights, privileges and powers of a local hospital district, and, particularly, those of the local hospital district consolidated.

32490.8. Upon such filing the board of directors elected shall succeed to all the duties, powers, purposes, responsibilities and jurisdiction of the board of directors of the local hospital district.

32490.9. Upon such filing the consolidated district shall succeed to all the funds and other property, and be subject to all the indebtedness, bonded and otherwise, of the consolidated districts.

SEC. 2. Article 5 is added to Chapter 1 of Division 6 of the Military and Veterans Code, to read:

Article 5. Consolidation

Consolidation of districts

1250. Any district organized or existing under this chapter may, pursuant to Chapter 6 of Division 23 of the Health and Safety Code, be consolidated with any local hospital district organized under that division.

CHAPTER 1717

An act to add Article 8.5 to Chapter 2, Division 10, and to repeal Section 19619, of the Education Code, relating to the maintenance of a child care center by the San Francisco State College.

In effect September 9, 1953

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

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

SECTION 1. Article 8.5 is added to Chapter 2, Division 10, of the Education Code, to read:

Article 8.5. San Francisco State College Child Care Center

Child care center

20511. The San Francisco State College may maintain a child care center as an integral part of the college. The center shall be used for observation, demonstration, study, student experience, and student teaching.

Fees

20512. The Department of Education shall determine the fee which the college shall charge the parents or guardian of any child admitted to the center. All fees shall be used to reimburse the college for the cost of operating and maintaining the center.

20513. No child shall be admitted to the center unless he meets the requirements for admittance to a child care center to which Chapter 11 of Division 9 applies. Admittance requirements

20514. The budget for the center may be prepared and submitted to the Department of Education with the budget of the state college. Budget

SEC. 2. Section 19619 of said code is hereby repealed. Repeal

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CHAPTER 1718

An act to add Section 12606.1 to, and to add Article 5 to Chapter 9 of Division 5 of, the Business and Professions Code, relating to commodities in containers.

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.] In effect September 9, 1953

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

SECTION 1. Section 12606.1 is added to the Business and Professions Code, to read:

12606.1. Whenever a commodity in a container is offered for sale, exposed for sale or sold without a statement of net quantity appearing thereon as required by Section 12606 of this chapter, the sealer shall in writing order the container and its contents off sale and require that an accurate statement of net quantity be placed on such container before the same may be released by the sealer. Statement of net quantity

SEC. 2. Article 5 is added to Chapter 9 of Division 5 of said code, to read:

Article 5. Cotton

12930. As used in this article "cotton" includes raw cotton, cotton linters, and cotton batting. Notwithstanding any other provision of this code or any other law, cotton may be sold by gross weight so that the purchaser pays a like price for the cotton and the burlap, paper, or other material with which it is wrapped and the string, wire, or other material with which the wrapping is secured. When sold by gross weight cotton shall be wrapped and the wrapping secured in accordance with the usual customs of the trade or in accordance with the agreement of purchaser and seller. Sale of cotton

The tare shall not exceed five percent (5%) of such gross weight.

The provisions of this section shall not be construed to apply to the sale of cotton or cotton goods in any form packaged for distribution or sale at retail to the general public.

CHAPTER 1719

An act to amend Section 136 of the Vehicle Code, relating to the authority of the director, registrar, and investigators of the Department of Motor Vehicles and to amend Section 139.44, relating to service of warrants.

In effect September 9, 1953

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

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

SECTION 1. Section 136 of the Vehicle Code is amended to read:

Director, etc., as peace officers

136. Authority of Director, Deputy Director, Registrar, Deputy Registrar, and Investigators of the Department. The director, deputy director, registrar, deputy registrar, and investigators of the department shall have the powers of peace officers solely for the purpose of enforcing those provisions of law now or hereafter committed to the administration of the Divisions of Registration and Drivers Licenses, Division 2, Part 5, of the Revenue and Taxation Code, and to the serving of warrants of arrest emanating from citations for traffic violations issued by the Department of California Highway Patrol under the provisions of this code.

SEC. 2. Section 139.44 of the Vehicle Code is amended to read:

Expenses of executing warrant

139.44. Execution of Warrants on Behalf of Local Peace Officers. The expenses incurred by the Department of California Highway Patrol and the Department of Motor Vehicles in executing any warrant issued as a result of a citation issued by a member of the California Highway Patrol shall be a legal charge against the city, county, or city and county in which jurisdiction the warrant was issued except where the commissioner authorizes the acceptance of any such warrant for execution within 30 days of the date of its issuance.

Certification of cost

The Commissioner of the Department of California Highway Patrol or the Director of the Department of Motor Vehicles shall certify to the Controller the cost of executing warrants on behalf of each city, county, or city and county respectively, under the provisions of this section. The departments shall be reimbursed for such costs as provided in Section 11004.5 of the Revenue and Taxation Code.

Transfer of warrant

The sheriff, constable, marshal, or peace officer to whom such a warrant has been delivered for execution, upon demand, shall transfer any such warrant which has not been executed within 30 days of the date of its issuance, to any member of the California Highway Patrol or to the Department of Motor Vehicles for execution.

CHAPTER 1720

An act to amend Sections 1829 and 4127 of the Education Code, relating to the election of members of school boards.

[Approved by Governor July 6, 1953. Filed with Secretary of State July 8, 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:

Canvass of returns elementary school districts

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 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. Sometime between the fourth and seventh day after the election on the day and 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.

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.

SEC. 2. Section 4127 of said code is amended to read:

Junior college districts

4127. The election shall be held in the same manner as are elections of school trustees, except that the returns shall be at once sent to the junior college board. The junior college board shall meet at the junior college building sometime between the fourth and seventh day 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 of election with the superintendent of schools having jurisdiction over the junior college district.

CHAPTER 1721

An act to amend Sections 71182, 71260, 72640, 72645, 72646, 72648, 72649, 72650, and 72651 of, to repeal Sections 72643 and 72647 of, and to add Sections 72643, 72647, 72653, and 72720 to, the Government Code, relating to the Office of Marshal of Municipal Courts, Los Angeles County.

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 71182 of the Government Code is amended to read:

Vacancies

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 to serve ex officio as a deputy marshal, but no person so appointed shall receive any increased compensation by reason of such appointment.

SEC. 2. Section 71260 of said code is amended to read:

Clerk, marshal, etc., tenure

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; provided, however, that in any county of the first class the appointment and removal of the marshal of said county shall be made by a majority vote of the municipal court judges of the said county, and said marshal shall serve during the pleasure of said judges; but any action to discharge, suspend or demote him shall not be effective, unless at least 10 days prior thereto he has been served with a statement of the reasons for such proposed action, and has been afforded a hearing upon the grounds specified before the judges, in person or by counsel or both, and has been afforded a reasonable opportunity to reply to the same, and to produce evidence, oral or documentary, in his behalf. If any such discharge or demotion is made by the judges for the good of the service, not involving moral turpitude or gross neglect of duty, a person removed from the position as marshal shall be entitled to resume the position in the office of the marshal formerly held by him, at the salary paid for that position upon his resumption thereof; and shall be entitled to pay and seniority based on all prior service therein and in the position of marshal. If a person so discharged or demoted as marshal was appointed to such position from a position formerly held as an attache of a superseded court, he shall assume a position in the office of marshal which most nearly corresponds to that previously held by him as an attache of a superseded court, at the salary paid to such position at the time he assumes the same; and shall be entitled to pay and seniority based on all prior service therein and in the position of marshal; and in addition shall be entitled to the rights specified in Section 72650.

SEC. 3. Section 72643 of said code is repealed and added, to read:

Marshal of municipal courts

72643. The judges of all the municipal courts in Los Angeles County, by a majority vote of their aggregate number, shall select, appoint, and discharge the Marshal of Municipal Courts, Los Angeles County, under such organization, rules, and procedure as they adopt or ratify therefor. Said judges may prescribe and regulate by majority vote the organization, policies, rules, and regulations for the conduct of the marshal and his office; and it shall be his duty and that of the personnel of his office to be governed thereby. For the purpose of voting to select, appoint, or discharge the marshal or to prescribe and regulate the organization, policies, rules, and regulations aforesaid, upon

five days written notice, the judges of the municipal courts in judicial districts located in Los Angeles County shall meet at a time and place designated by the presiding judge of the municipal court of the judicial district in which is included the county seat. If and when, under any provision of law, the municipal court judges in the judicial districts of said county have formally organized to administer all matters jointly affecting their courts, the conduct of such meetings and the voting thereat shall be pursuant to the rules or by-laws adopted by said judges for that purpose.

SEC. 4. Section 72645 of said code is amended to read:

72645. The marshal shall appoint:

(a) One assistant marshal who shall receive the monthly compensation specified in Schedule 1, set forth in Section 72649. Marshal's appointees Salaries

(b) One chief deputy inspector who shall receive eight hundred eighty dollars ($880) monthly.

(c) One chief deputy marshal who shall receive seven hundred seventy dollars ($770) monthly.

SEC. 5. Section 72646 of said code is amended to read:

72646 The marshal shall appoint:

(a) Six inspectors, each of whom shall receive monthly compensation as provided in Schedule 2, set forth in Section 72649.

(b) Twelve captains, each of whom shall receive monthly compensation as provided in Schedule 2.5, set forth in Section 72649.

(c) Ten lieutenants, each of whom shall receive monthly compensation as provided in Schedule 4, set forth in Section 72649.

(d) Seven sergeants, each of whom shall receive monthly compensation as provided in Schedule 4.5, set forth in Section 72649.

(e) Twenty-three sergeants, each of whom shall receive monthly compensation as provided in Schedule 5, set forth in Section 72649.

(f) One hundred sixty senior deputies, each of whom shall receive monthly compensation as provided in Schedule 7, set forth in Section 72649.

SEC. 6 Section 72647 of said code is repealed and added, to read:

72647. The marshal shall appoint:

(a) One intermediate stenographic secretary who shall receive monthly compensation as provided in Schedule 9, set forth in Section 72649.

(b) One stenographer-secretary who shall receive monthly compensation as provided in Schedule 10, set forth in Section 72649

(c) Four senior clerks, each of whom shall receive monthly compensation as provided in Schedule 10, set forth in Section 72649.

(d) Twenty-eight deputy clerks, grade III, each of whom shall receive monthly compensation as provided in Schedule 11, set forth in Section 72649.

(e) Seventeen deputy clerks, grade II, each of whom shall receive monthly compensation as provided in Schedule 12, set forth in Section 72649

(f) Twenty-five deputy clerks, grade I, each of whom shall receive monthly compensation as provided in Schedule 13, set forth in Section 72649.

(g) Eighteen deputy clerks (typists), each of whom shall receive monthly compensation as provided in Schedule 14, set forth in Section 72649.

(h) Such deputies who shall be custodians as may be reasonably required pursuant to law, at the fee allowed by law for keeping property.

(i) One business manager-auditor, who shall receive monthly compensation as provided in Schedule 3, set forth in Section 72649, and who shall be appointed to said position from a list of eligibles established by the Civil Service Commission of Los Angeles County after an open competitive examination therefor. His duty will be to organize, supervise and control accounting systems, procedures, and operations throughout the offices of the said marshal, and to assist the county auditor in making such audits as may be required by law, and to make such fiscal examinations and reports concerning the operations of said office as may be required by the judges of the municipal courts of the county as an aggregate body. In other respects his duties shall generally consist of those specified for business manager, grade II, in the Los Angeles County service.

SEC 7. Section 72648 of said code is amended to read:

Bailiffs

72648. The judges of each municipal court established in a judicial district in Los Angeles County, except those of the Los Angeles Judicial District, 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. Any deputy so selected shall serve as bailiff during the pleasure of the judge or judges of such court, and shall perform his official duties as bailiff under his or their sole direction.

SEC. 8. Section 72649 of said code is amended to read:

Law applicable

72649. Except where this article otherwise provides, the provisions of law succeeding the Municipal and Justice Court Act of 1949 or this code 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. All assistants, deputies, inspectors, and other employees of the Marshal of Municipal Courts, Los Angeles County, may be appointed, removed, suspended, or discharged for cause by the said marshal; subject in such appointment, removal, suspension, or discharge to all civil service provisions applicable to the personnel of the Office of Sheriff, Los Angeles County.

(a) The following schedules of compensation shall apply to the Office of the Marshal, Municipal Courts, Los Angeles County, and to any court service division created under this chapter: Compensation

Schedule Number	Rate A	Rate B	Rate C
1	$797	$842	$889
2	641	677	715
2.5	575	608	641
3	545	575	608
4	489	516	545
4.5	440	464	489
5	417	440	464
6	395	417	440
7	375	395	417
8	355	375	395
9	337	355	375
10	303	319	337
11	288	303	319
12	273	288	303
13	259	273	288
14	246	259	273
15	940	992	1,048

(b) Unless otherwise specifically provided, each person appointed to a position enumerated in this article shall, for the first six months of service, receive monthly the rate of compensation specified in step A of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months' continuous service in a class, such person shall receive monthly the rate of compensation specified in step B of the salary schedule for the position occupied. On and after the first day of the month following the first 12 months of such service at the rate specified in rate B, such person shall receive monthly the rate of compensation specified in step C of the salary schedule for the position occupied.

(c) When any person in the service of the court or of the marshal is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step A of such schedule if step A is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation.

(d) On the effective date of this act, any person who has served in his office or position for at least 18 months shall receive step C of the schedule pertaining to such office or position; and any person who has so served in excess of six months shall receive step B thereof. All others shall receive step A, except that such persons shall be entitled to receive the second salary step of the schedule pertaining to the office or class of position

they then hold, if the first step of such schedule is below the salary theretofore received; and shall be entitled to the third step at the completion of 12 months' service thereafter.

(e) When any person is demoted to another office or position he shall receive the third step rate of salary for the position to which he is demoted, except that if such demotion is due to disciplinary action, the appointing power may indicate any step rate of the lower position which provides compensation not higher than that last previously received by such person.

SEC. 9. Section 72650 of said code is amended to read:

Succession to positions

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. 10. Section 72651 of said code is amended to read:

Law applicable

72651. All provisions of law relating to marshals of municipal courts, or a marshal of a municipal court and the deputies and attaches thereof, 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. The judges of the municipal courts of the judicial districts in Los Angeles County acting jointly by a vote of a majority of said judges may adopt rules not inconsistent with the provisions of this article to make effective the provisions thereof.

SEC. 11. Section 72653 is added to said code, to read:

South Bay and East Los Angeles Judicial Districts Officer in charge Compensation

72653. The officer in charge of the marshal's office in the South Bay and East Los Angeles Judicial Districts on January 5, 1953 shall receive the same salary and title as the officer in charge of the marshal's office in the Inglewood and Beverly Hills Judicial Districts, on that date.

SEC. 12. Section 72640 of said code is amended to read:

Los Angeles County municipal courts Marshal

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 the monthly compensation specified in Schedule 15 set forth in Section 72649.

SEC. 13 Section 72720 is added to said code, to read:

Superintendent of bailiffs

72720. The Chief Deputy Marshal, Municipal Courts, Los Angeles County, shall be ex officio Superintendent of Bailiffs, Municipal Court, Los Angeles Judicial District Upon the effec-

tive date of this section, the person who occupied the office of chief deputy marshal on May 1, 1953, shall continue as such superintendent of bailiffs. There shall be such number of deputy bailiffs of said court, not to exceed a number equal to the number of judges of said court, to be nominated by the superintendent of bailiffs, and confirmed by the presiding judge of the court; which personnel shall be selected from the personnel of the Office of Marshal, Municipal Courts, Los Angeles County, for such assignment During such assignment, said superintendent and such deputy bailiffs shall be under the exclusive jurisdiction of said court, but they shall continue to have all rights in employment as such chief deputy marshal and officers or deputies in the office of the marshal.

Deputy bailiffs

Any demotion, suspension or discharge of the chief deputy marshal, or any release from his assignment as superintendent of bailiffs shall require the concurrent action of the Marshal, Municipal Courts, Los Angeles County, and of two-thirds of all the judges of said municipal court.

Chief deputy marshal Demotion suspension discharge

Pursuant to the designation of deputies bailiff by the superintendent of bailiffs and the presiding judge, the Marshal, Municipal Courts, Los Angeles County, shall not be required to make available more than one captain, two lieutenants, and five sergeants, by grade, in the personnel so selected; and the remaining number may be senior deputies marshal

Suitable quarters, heating, lighting, furniture, books, supplies, motor vehicles for transportation, and janitor service shall be made available for the superintendent of bailiffs and said deputies bailiff in the performance of their duties by the Board of Supervisors, Los Angeles County.

Courtrooms, supplies, etc

CHAPTER 1722

An act appropriating money to continue the preliminary studies and plans with respect to an additional toll or other bridge across Carquinez Straits near Crockett.

[Approved by Governor July 8, 1953. Filed with Secretary of State July 8, 1953.]

In effect September 9, 1953

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

SECTION 1. The sum of eight hundred thousand dollars ($800,000), or so much thereof as may be necessary, is hereby appropriated out of that portion of the State Highway Fund available for expenditure for construction of state highways in County Group No. 1 pursuant to Section 188 of the Streets and Highways Code, in augmentation of the appropriation made by Item 259.5 of the 1952 Budget Act, to the Department of Public Works for the continuance of surveys, plans, estimates, preliminary engineering, and other preliminary expenses (1) for a toll or other bridge across Carquinez Straits parallel to the Carquinez Bridge near Crockett and (2) for necessary modification and

Appropriation Construction of state highways

improvement of the existing bridge for use in connection therewith. The California Toll Bridge Authority shall return this appropriation and the appropriation made by Item 259.5 of Section 2 of the Budget Act of 1952, or so much thereof as may be used, together with interest thereon at the rate of one and one-half percent (1½%) per year, computed from the first day of the fiscal year following the date of withdrawal on the total amount withdrawn during any one fiscal year, to the fund from which such appropriation was made from the proceeds of the first sale of revenue bonds issued for the construction of said bridge under the provisions of the California Toll Bridge Authority Act.

CHAPTER 1723

An act to add Section 2893.5 to the Elections Code, relating to vacancies on ballots.

In effect September 9, 1953

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

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

SECTION 1. Section 2893.5 is added to the Elections Code, to read:

Death of primary election nominee

2893.5. Whenever a candidate for nomination for a partisan office at a primary election dies on or before the day of the election and a sufficient number of ballots are marked as being voted for him to entitle him to nomination if he had lived until after the election a vacancy exists on the general election ballot which shall be filled in the manner provided in Section 2894 for filling a vacancy caused by the death of a candidate.

CHAPTER 1724

An act to amend Sections 70050, 70053, and 70059 of the Government Code, relating to the compensation of phonographic reporters.

In effect September 9, 1953

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

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

SECTION 1. Section 70050 of the Government Code is amended to read:

Counties over 750,000 Phonographic reporters Salaries

70050. In each county with a population of 750,000 or over, the annual salary of the regular official phonographic reporters shall be eight thousand dollars ($8,000), and the compensation of official phonographic reporters pro tempore shall be at the rate of twenty-seven dollars and fifty cents ($27.50) a day, or any fractional part thereof.

SEC. 2. Section 70053 of said code is amended to read:

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: Additional fees

(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, corespondent, 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 six dollars and fifty cents ($6.50) 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.

SEC. 3. Section 70059 of said code is amended to read:

70059. In a county with a population of 750,000 or over, the fee required by Section 70053 shall be six dollars and fifty cents ($6.50). Fee in counties over 750,000

CHAPTER 1725

An act to amend Section 6358 of the Education Code, relating to school district elections

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 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:

6358. Any maximum rate of tax for any district may be increased and, having been increased, may be decreased by an Increase or decrease of maximum tax rate Election

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.

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.

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. Notices of the election shall be posted or publication completed at least 30 days before 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 decrease or increase in the maximum tax rate.

(b) A brief summary of the issues involved.

At least 60 days before the date of the 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.

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.

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.

Decrease Effective date

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 1726

An act to amend Section 117ll of the Code of Civil Procedure, relating to deposits in lieu of bond on appeal in small claims courts

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 117*ll* of the Code of Civil Procedure is amended to read:

Deposit in lieu of bond on appeal

117*ll*. In lieu of the undertaking provided for in Section 117*l* the appellant may deposit with the clerk of the court a sum of money in lawful money of the United States equal to the amount of the judgment, plus costs, plus twenty-five dollars ($25); and such deposit shall be equivalent to such undertaking.

CHAPTER 1727

An act to add Sections 16271.5, 24409.2, and 24412 to the Education Code, relating to community recreation.

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 24409.2 is added to the Education Code, to read:

Use of school busses. Fees

24409.2. The governing body of a school district may require persons or organizations desiring to use school busses be-

longing to a school to pay such fees for such use as the governing body may prescribe.

SEC. 2. Section 24412 is added to said code, to read:

Lease of state college property

24412. The Director of Education may lease any building, grounds, or equipment of a state college to any public authority within which a state college is located for the purposes of this chapter, on such terms and conditions as may be agreed upon by the Director of Education and the governing body of the public authority, whenever the leasing of the buildings, grounds, or equipment for community recreational purposes will not interfere with the use of the buildings, grounds, and equipment for any other purpose of the Public School System.

SEC. 3. Section 16271.5 is added to said code, to read:

School busses: Use for recreation

16271.5. (a) The governing board of any school district may use school busses to transport persons for purposes of community recreation as provided in Chapter 4 of Division 12 of this code. The transportation may be provided on any day or days throughout the school year.

Annual report of transportation expense

(b) Any school district which files forms with the Superintendent of Public Instruction covering the annual report of transportation expense in connection with reimbursement for transportation shall show on said forms the total mileage of school busses used in providing transportation for community recreation purposes. The Superintendent of Public Instruction, in accordance with regulations adopted by him, shall deduct from the allowances to a school district for transportation an amount equal to the depreciation of school busses due to their use in transporting persons for community recreation.

CHAPTER 1728

An act to add Article 2.5 to Chapter 1, Division 9, of the Education Code, relating to the repair and sterilization of athletic equipment belonging to school districts and state colleges.

In effect September 9, 1953

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

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

SECTION 1. Article 2.5 is added to Chapter 1, Division 9 of the Education Code, to read:

Article 2.5 Care of Athletic Equipment

Football equipment Cleaning, etc.

18031. The governing board of each district maintaining a high school or junior college and the president of each state college shall provide for the annual cleaning, sterilizing, and necessary repair of football equipment of their respective schools, junior colleges, or state colleges pursuant to this article.

18032. All football equipment actually worn by pupils shall be cleaned and sterilized at least once a year. Football equip-

ment used in spring training shall be cleaned and sterilized before it is used in the succeeding fall term.

18033. Any contract with a dealer or craftsman for the repair of football equipment belonging to the district or state college shall specifically state or describe the materials to be used by the dealer or craftsman in repairing such equipment. Contracts for repair

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CHAPTER 1729

An act to amend Sections 7200, 7209, 7211, and 7216 of the Business and Professions Code, relating to guide dogs for the blind.

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.] In effect September 9, 1953

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

SECTION 1. Section 7200 of the Business and Professions Code is amended to read:

7200. There is in the Department of Professional and Vocational Standards a State Board of Guide Dogs for the Blind in whom enforcement of this chapter is vested. The board shall consist of seven members appointed by the Governor. One member shall be the superintendent of the California School for the Blind, and one the head of the Bureau of Vocational Rehabilitation of the State Department of Education. The remaining members shall be persons who have shown a particular interest in dealing with the problems of the blind, and at least two of them shall be blind persons who use guide dogs. State Board of Guide Dogs for the Blind

SEC. 2. Section 7209 of said code is amended to read:

7209. A person to be eligible for examination as a trainer of guide dogs for the blind must (1) be of good moral character, (2) have a knowledge of the special problems of the blind and how to teach them, (3) be able to demonstrate by actual blindfold test under traffic conditions his ability to train guide dogs with whom a blind person would be safe, (4) be suited temperamentally and otherwise to train blind persons in the use of guide dogs, and (5) have had at least three years' actual experience, comprising such number of hours as the board may require, as a trainer, and have handled twenty-two (22) man-dog units; or its equivalent, as determined by the board, as an apprentice under a licensed trainer or under a trainer in a school satisfactory to the board. Guide dog trainer Examination qualifications

SEC. 3. Section 7211 of said code is amended to read:

7211. Each applicant for a certificate hereunder shall file an application with the secretary of the board at least 10 days before the date fixed for examination, and shall pay to said secretary at the time of filing his application the sum of twenty-five dollars ($25). No certificate shall be granted until the applicant has satisfactorily completed the examination prescribed by the board and has shown that he is equipped by a school or by equivalent facilities satisfactory to the board to give blind Application for certificate, etc

persons at least four weeks' training under traffic conditions. An annual fee of five dollars ($5) shall be required for the renewal of a certificate.

All fees received under this chapter shall be deposited in the General Fund.

SEC. 4. Section 7216 of said code is amended to read:

Grounds for refusal

7216. The board may refuse to issue a license to a school or trainer if the applicant, if an individual, or any officer or partner, if the applicant is other than an individual, lacks good moral character or has committed any act constituting extreme cruelty to an animal. Proceedings under this section 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.

CHAPTER 1730

An act to amend Section 1807 of the Education Code, relating to school district elections.

In effect September 9, 1953

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

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

SECTION 1. Section 1807 of the Education Code is amended to read:

Election officers Compensation

1807. Each inspector and judge of election serving at any school district election may be paid out of the funds of the district as compensation for his services as election officer such sum as the governing board may determine, not to exceed the amount paid from the county treasury to officers of the last preceding general election. In districts in which the polls are not required to be kept open for the same number of hours as at the last general election, the maximum compensation for election officers shall be a sum bearing the same relation to the amount paid to election officers of the last preceding general election as the number of hours the polls were open at the school district election bears to the number of hours the polls were open in the preceding general election.

CHAPTER 1731

An act to amend Section 8 of Chapter 29 of the Statutes of 1946 (First Extraordinary Session), relating to the availability of moneys appropriated for the acquisition of housing facilities for veterans and families of servicemen.

In effect September 9, 1953

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

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

SECTION 1. Section 8 of Chapter 29 of the Statutes of 1946 (First Extraordinary Session) is amended to read:

Payment of State's share of cost

Sec. 8. The director shall prescribe the time and manner of payment of the State's share of the cost of construction of a project for which a local agency has received an allotment under this act, which the local agency shall, on its request, be paid.

Any money expended by or on behalf of a local agency after December 1, 1945, for the purpose of acquiring housing as provided by this act shall be considered as part of the money required to be provided by the local agency hereunder.

Any funds appropriated under this act may be allocated as herein provided to defray expenditures incurred by local agencies after February 15, 1946, in acquiring and establishing housing as defined in this act.

The Board of Control shall by rule prescribe the information to be shown on claim for payment of the State's share of the cost of construction of projects under this act and the nature of the evidence of payment to be required in support of such claim. When the director approves such claim and finds the payment to be due, he shall transmit a claim for the amount due, together with all supporting information of payment, to the Controller. The Controller shall make such audit as he deems necessary and shall thereupon draw his warrant for the amount of payment he finds to be due.

Title in local agency

Except in the case of allocations to colleges operated by the State or by any state agency, title to any project constructed with funds made available by this act shall not vest in the State but shall vest in the local agency constructing the project to the extent permitted by federal law or regulation

Appropriation to carry out act

A sum of money equal to the amount (of the appropriation heretofore made by this act, augmented by the appropriation made by Chapter 1 of the Fifty-sixth (Second Extraordinary) Session) which reverted to the General Fund on or about April 6, 1947, is hereby appropriated out of moneys in the State Treasury not otherwise appropriated, in augmentation of the appropriation heretofore made by this act, to carry out the provisions of this act. Any portion of the moneys hereby or heretofore appropriated for allocation to local agencies which is not obligated for expenditure by the State or for which application is not made on or before December 31, 1949, shall revert to the General Fund in the State Treasury; provided, however, that encumbrances made against said money during its period of availability may be paid at any time until December 31, 1955.

Laws applicable

Sections 13320-13324, inclusive, 13920 and 16003 of the Government Code, and Sections 3714-3714.26, inclusive, of the Political Code do not apply to the expenditure of allocations to local agencies made under this act. The provisions of Part 7 of Division 2 of the Labor Code are applicable to public works or projects constructed from funds allocated under this act.

Reversion to General Fund

SEC. 2 Notwithstanding the provisions of Section 1 of this act one million dollars ($1,000,000) of the unexpended balance in the appropriation made by Chapter 29, Statutes of 1946

(First Extraordinary Session) as amended, shall revert to the General Fund and become unavailable for expenditure upon the effective date of this act.

CHAPTER 1732

An act to amend Section 1640 of and to add Section 1660.5 to the Insurance Code, relating to insurance licenses.

In effect September 9, 1953

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

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

SECTION 1. Section 1640 of the Insurance Code is amended to read:

Article does not affect

1640. This article shall not affect:

(a) Employees of title insurers or persons engaged in the business of examining, certifying, or abstracting titles when no commission is paid such employees or persons transacting insurance.

(b) Mortgage insurers or their solicitors or agents.

(c) Fraternal benefit societies or their solicitors or agents.

(d) Reciprocal or interinsurance exchanges, or their attorneys, solicitors, agents or employees, except as provided by Chapter 3 of this part.

(e) Any insurer admitted to transact life insurance, or life and disability insurance, or the agents, solicitors or employees of any such insurer, or agents licensed under the provisions of Article 2 of this chapter.

(f) Surplus line brokers.

(g) Persons whose employment does not include the solicitation, negotiation, or effecting of contracts of insurance and who do not sign policies or other evidences of insurance.

(h) Officers of insurers and salaried traveling employees of the type commonly known as special agents, while performing duties and exercising functions such as are commonly performed by special agents, if such persons:

(1) Do not effect insurance.

(2) Solicit or negotiate insurance only as a part of and in connection with the business of an insurance agent or broker licensed under this chapter.

(i) Persons directly employed by an insurer at its home or branch office, who do not solicit or negotiate insurance and who receive no commissions, and who may as part of their regular employment sign policies or other evidences of insurance.

(j) Bail agents and bail solicitors.

SEC. 2. Section 1660.5 is added to the Insurance Code, to read:

Insurance broker as insurance agent

1660.5. A person licensed as an insurance broker may act as an insurance agent in collecting and transmitting premium or return premium funds and in delivering policies or other documents evidencing insurance without being licensed as such.

CHAPTER 1733

An act to amend Section 697 of the Vehicle Code, relating to the height and length of vehicles.

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 697 of the Vehicle Code is amended to read:

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.

Height and length of vehicles

(b) No vehicle shall exceed a length of 35 feet, except that a semitrailer meeting all of the requirements in this section may be of a length not to exceed 40 feet.

Semitrailers over 35 feet in length shall not exceed 32 feet from the center of the turning axis (kingpin) to the center of the rearmost axle, and no portion of such semitrailer or its body or load forward of the turning axis shall project to a greater distance than a 60-inch radius from the center of said turning axis.

(c) No combination of vehicles coupled together shall exceed a total length of 60 feet.

CHAPTER 1734

An act to amend Sections 6103 and 6107 of the Government Code, relating to the exemption from fees for filing certain documents or papers or for performance of certain official services.

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6103 of the Government Code is amended to read:

6103. Neither the State nor any county, city, district, or other political subdivision, nor any public officer or body, acting in his official capacity on behalf of the State, or any county, city, district or other political subdivision, shall pay or deposit any fee for the filing of any document or paper, for the performance of any official service, or for the filing of any stipulation or agreement which may constitute an appearance in any court by any other party to the stipulation or agreement. This section does not apply to the State Compensation Insurance Fund, or Public Housing Authority, nor where a public officer is acting with reference to private assets or obligations which have come under his jurisdiction by virtue of his office, or where it is specifically provided otherwise. No fee shall be charged for the

No fees for official filing or service

filing of a confession of judgment in favor of any of the public agencies named in this section.

SEC 2. Section 6107 of said code is amended to read:

Free official services to veterans or members of armed forces

6107. Neither the State nor any county, or city, nor any public officer or body acting in his official capacity on behalf of the State, any county, or city, including notaries public, shall demand or receive any fee or compensation for:

(a) Recording or indexing any discharge, certificate of service, certificate of satisfactory service, notice of separation or report of separation of any member of the armed forces of the United States

(b) Issuing certified copies of such discharges, certificates of service, certificates of satisfactory service, reports of separation or notices of separation.

(c) Any service whatever rendered in the matter of a pension claim, application, affidavit, voucher, or any claim to be presented to the Administrator of Veterans' Affairs under the World War Veterans' Act, 1924.

(d) Furnishing a certified copy of any public record, or making the search for it, when it is to be used in a claim for pension, or a claim for allotment, allowance, compensation, insurance, automatic insurance, or otherwise under the World War Veterans' Act, 1924, or under any other act of Congress for service in the armed forces of the United States, or a claim for veterans' benefits under any law of this State

Refusal to render services Officer liable

The services specified in this section shall be rendered on the request of a United States official, a claimant, or his guardian or attorney. An officer is liable on his official bond for every failure or refusal to render the services.

CHAPTER 1735

An act to amend Section 265 of the Vehicle Code, relating to applications for motor vehicle operators' and chauffeurs' licenses.

In effect September 9, 1953

[Approved by Governor July 7, 1953 Filed with Secretary of State July 8, 1953]

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

SECTION 1. Section 265 of the Vehicle Code is amended to read:

Applications for operators' and chauffeurs' licenses

265. Applications for Operators' and Chauffeurs' Licenses. Every application for an operator's or chauffeur's license shall be made upon the appropriate form furnished by the department and shall contain the following information:

(a) The applicant's true full name, age, sex, and residence address.

(b) A brief description of the applicant for the purpose of identification.

(c) The kind of license applied for.

(d) Whether the applicant has ever previously been licensed as an operator or chauffeur and if so when and in what state or country and whether or not any such license has been suspended or revoked and if so the date of and reason for such suspension or revocation.

(e) Whether the applicant has ever previously been refused an operator's or chauffeur's license in this State, and if so, the date of and the reason for such refusal.

(f) Whether the applicant has previously operated a motor vehicle and if so for what length of time.

(g) Whether the applicant has the normal use of both hands and feet.

(h) Whether the applicant has ever been afflicted with epilepsy, paralysis, insanity or other disability or disease affecting his ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(i) Whether the applicant understands traffic signs and signals.

(j) Any other information necessary to enable the department to determine whether the applicant is entitled to a license under this code.

An applicant for a chauffeur's license may state the type of vehicle or combination of vehicles he desires to operate.

CHAPTER 1736

An act to amend Section 6114 of the Education Code, relating to the Public School System.

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 6114 of the Education Code is amended to read:

Pay roll procedure

6114 In any county, except counties having a population in excess of 1,000,000, the county superintendent of schools, with the approval of the State Superintendent of Public Instruction, the county board of education and the county auditor, may prescribe a pay roll procedure, to be followed by designated districts in the county, under which the school district governing boards, by use of pay roll orders, shall authorize and direct the county superintendent of schools and the county auditor to draw separate pay roll warrants in the names of the individual district employees for the respective amounts set forth therein to the end that each employee may be furnished with a statement of the amount earned and an itemization of the amounts withheld therefrom under requirements of the law or by direction of the employee.

Such pay roll warrants shall show the closing date of the pay period for which issued and the date of issue, the name of the

district by which the payee was employed and a statement that it is drawn by order of the governing board of the district and shall bear the signatures of the county superintendent of schools and the county auditor.

The pay roll order may direct the transfer from the districts' funds to a clearing fund in the county treasury, to be known as the schools pay roll revolving fund, of the total of the amount of the pay roll warrants to be issued under the order to the end that pay roll warrants for all districts may be drawn against a single revolving fund. The pay roll order may further direct the transfer from the districts' funds of the totals of the various deductions set forth therein to the trust funds in the county treasury entitled to receive credit for them and may further direct the proper disbursement of such trust amounts.

CHAPTER 1737

An act authorizing the acquisition by the Department of Public Works of the ferry system across Carquinez Straits between Benicia and Martinez, defining the powers and duties of the Department of Public Works in relation thereto, providing for the extension of State Highway Route 75 from Martinez to Benicia upon the acquisition of said ferry system, amending Sections 374 and 375 of the Streets and Highways Code in connection therewith, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 8, 1953. Filed with Secretary of State July 8, 1953.]

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

Legislative consent. Acquisition of ferry system

SECTION 1. The consent of the Legislature is hereby given to the acquisition from the City of Martinez by the Department of Public Works, of the ferry system operated across Carquinez Straits between the Cities of Benicia and Martinez.

Conditioned

SEC. 2. Such consent is conditioned upon the transfer to the State by the City of Martinez of its entire properties, real and personal, comprising said ferry system, without charge or cost to the State, such transfer to include, without being limited to, all franchises, ferry boats, slips, and all real and personal property and equipment necessary or appropriate to the operation of said ferry system. The transfer of said property, if made, shall be free and clear of all debts or claims of any nature whatsoever.

Maintenance and operation

SEC. 3. Upon acquisition of said ferry system it shall be maintained and operated by the Department of Public Works as part of the system of state highways. The director of said department shall, by executive order, fix rates of toll from time to time for the use of the ferries, to the end that the ferry system shall be as nearly self-supporting as possible. No other provision of law shall affect the power or duty of the director of said de-

partment to fix rates of toll for the use of said ferries, nor the power and duty of the Department of Public Works to collect the tolls so fixed by the director.

The director may, if he concludes it is in the public interest to do so, contract with one or more persons, including corporations, for the operation of the ferry system by them.

Deposit of money received

SEC. 4. Said department shall deposit all money received from the operation of the ferry system in the State Highway Fund. The costs of operation and maintenance of said ferry system, including costs of rehabilitation of said system and the cost of any insurance authorized by this act, shall be paid out of the State Highway Fund from funds available to said department for the maintenance of state highways; provided, however, that in no event shall the amount expended from the State Highway Fund for such purposes during any one year exceed by more than one hundred thousand dollars ($100,000) the amount of money received from the operation of the ferry system.

Insurance

SEC. 5. The department may, for the protection of the State of California, insure said ferry system against all risks in any amount up to the full insurable value thereof, and may insure any liability of the State, its officers and employees, arising out of the operation of said ferry system.

Restaurant facilities, etc.

SEC. 6. The department may maintain restaurant facilities or other concessions on said ferry system. Such facilities may be operated directly by the department or may be leased out as concessions.

Rules, etc., governing use of ferries

SEC. 7. The department is authorized to promulgate reasonable rules and regulations governing the use of said ferries. It is unlawful to operate on any such ferries, or on the approaches thereto, a vehicle of a size or weight or at a speed greater than that which such ferry or its approaches, with safety to itself and to the traveling public, will permit. The department shall determine the maximum size, weight and speed of vehicles which with safety can be permitted on such ferries, or the approaches thereto, and shall by appropriate signs notify the public of its determination. It is prima facie evidence of violation of this section to exceed the limit specified by the department upon such signs. Any damages done to said ferry system or to the approaches thereto may be recovered by said department in a civil action as provided by law in the case of damage to any state highway. Any such damage occurring by reason of failure to comply with the provisions of this section may be recovered by the department and a violation of the limits specified on the signs erected by the department is prima facie evidence of such violation.

SEC. 8. Section 374 of the Streets and Highways Code is amended to read:

Route 74

374. Route 74 is from:

(a) A point on Route 8 near the Napa Y to Route 7 near Cordelia via Vallejo and Benicia including a connection from Vallejo to Route 7 near the Carquinez Bridge.

SEC. 9. Section 375 of the Streets and Highways Code is amended to read:

Route 75

375. Route 75 is from:

(a) Oakland to Route 4 near Stockton via Walnut Creek and Antioch.

(b) Route (a) above, north of Walnut Creek to a connection with Route 74 in Benicia.

Operative date

SEC. 10. Section 8 and Section 9 shall become effective upon the acquisition by the Department of Public Works of the ferry system operated across Carquinez Straits between the Cities of Benicia and Martinez.

Urgency

SEC. 11. 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 Martinez is about to close down the ferry system operated across Carquinez Straits between the Cities of Benicia and Martinez. It is vitally necessary that this ferry system be continued in operation to serve numerous refineries, chemical plants, steel companies, and other industries necessary for national defense, workers commuting both to and from such industries, and the extremely important Benicia Arsenal. The maintenance of this ferry system is a proper state function, and, in the interest of public welfare, action should immediately be taken to authorize its acquisition.

CHAPTER 1738

An act to add Sections 21705, 21706, and 21714.5 to, and to amend Sections 21712, 21713, and 21714 of, the Business and Professions Code, relating to antifreeze.

In effect September 9, 1953

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

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

SECTION 1. Section 21705 is added to the Business and Professions Code, to read:

"Permit year"

21705. "Permit year," as used in this chapter, means a period of 12 months commencing July 1st and ending on the next succeeding June 30th.

SEC. 2. Section 21706 is added to the Business and Professions Code, to read:

"Package"

21706. As used in this chapter "package" means any receptacle in which an antifreeze is immediately contained when sold, but does not mean a carton or wrapping in which a number of such receptacles are shipped or stored or a tank car or truck.

SEC. 3. Section 21714.5 is added to the Business and Professions Code, to read:

Certificates of registration, etc.

21714.5. Certificates of registration and permits authorizing the sale and distribution of antifreeze during the calendar year

1953 shall be valid and effective until July 1, 1954, and no additional fee will be required for such period.

SEC. 4. Section 21712 of said code is amended to read:

21712 An antifreeze shall be deemed to be misbranded. (1) if its labeling is false or misleading in any particular; or (2) if the package does not bear a label on which is printed the name and place of business of the manufacturer, packer, seller or distributor, and an accurate statement of the quantity of the contents in terms of liquid measure, and these facts are not stated plainly and correctly on the outside of the package; or (3) if the product is to be diluted with another substance for use and does not bear on the label, or in an accompanying instruction sheet, folder, or booklet, a statement or chart showing appropriate amounts of each substance in terms of liquid measure to be used to provide protection from freezing at various degrees of temperature down to at least 30 degrees below zero Fahrenheit.

Misbranded

SEC. 5. Section 21713 of said code is amended to read:

21713. It is unlawful to sell or distribute any antifreeze, except any antifreeze which has been registered under this chapter by another, without first applying to the department for registration of such antifreeze to be handled by the applicant, and receiving from the department a written permit authorizing the sale of such antifreeze in this State during the period and under the condition stated in Section 21714 of this chapter.

Unlawful to sell unregistered antifreeze

SEC. 6. Section 21714 of said code is amended to read:

21714. Application for registration shall be accompanied by a sample of each brand or composition of antifreeze to be registered, together with the labeling to be used therewith, and a fee of fifty dollars ($50) for each sample submitted The department shall inspect the sample and labeling and, if the sample is found not to be adulterated or misbranded, shall issue to the applicant a certificate of registration and a permit authorizing the wholesale and retail sale and distribution of the antifreeze in this State during the permit year specified in the permit and, unless such permit shall be renewed by application to the department on or before the last day of said permit year, authorizing the sale at retail only by any retail dealer during the next succeeding permit year of such quantities of the antifreeze as were actually within this State and purchased by and in possession of such retail dealer during the preceding permit year. Such permit may be renewed each permit year without further registration by application to the department, accompanied by a renewal fee of fifty dollars ($50), on or before June 30th immediately preceding the permit year for which the permit is issued. To any fee not paid when due, there shall accrue and be added a penalty of ten dollars ($10).

Registration Samples, etc., fees

CHAPTER 1739

An act making an appropriation for allocations to counties and cities for the construction of grade protections.

In effect September 9 1953

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

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

Appropriation Grade crossing protection works

SECTION 1. The sum of five hundred thousand dollars ($500,000), or so much thereof as may be necessary, is hereby appropriated from the State Highway Fund to the Public Utilities Commission, without regard to fiscal years. The commission shall allocate and expend such money, together with any other sums which may hereafter be appropriated for the purposes specified herein, to cities, counties, and cities and counties, on the basis of need as determined by the commission, to assist them in paying their shares of the cost of constructing grade crossing protection works on city, county, and city and county streets, roads, and highways. In no event, however, shall the commission allocate or expend to any city, county, or city and county a sum exceeding one-half of its share of the cost of such work.

Reimbursement etc

SEC. 2. At the time the commission makes each allocation under this act, it shall certify such to the State Controller. The commission shall present claims for reimbursement of the State's share of the cost of construction of projects under such allocations to the State Controller for payment. The State Controller shall make such audit as he deems necessary, before or after disbursement, for the purpose of determining that the money allocated has been expended for the purposes and under the conditions authorized under this act.

CHAPTER 1740

An act to add Section 372.1 to the Vehicle Code, relating to vehicle registration fees, to take effect immediately.

In effect immediately

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

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

SECTION 1. Section 372.1 is added to the Vehicle Code, to read:

Registration on quarterly basis

372.1. Registration on Quarterly Basis. (a) With respect to vehicles subject to additional registration fees under Section 372, such fees may be paid for a three-month period for one-fourth the regular fee, at the beginning of any calendar quarter. For each quarter that the fee is so paid, an additional fee of two dollars ($2) shall be charged. The department is authorized to establish rules and regulations relative to the issuance

and display of certificates or insignia, which shall state the quarter for which the vehicle is licensed.

(b) Upon a quarterly registration issued after the end of the first month of any quarter, the fee required under this section shall be reduced by one-third for each full calendar month which shall have elapsed since the beginning of such quarter, if such vehicle has not been operated on any highway during such elapsed time without payment of the required fee.

(c) Every quarterly vehicle registration and every certificate or insigne issued under this section shall expire at midnight on the last day of the quarter for which issued and shall be renewed quarterly. The department may upon payment of the proper fees renew the registration of such vehicles for the next succeeding quarter or for the remainder of the calendar year.

(d) Application for renewal of a vehicle registration expiring on the date above mentioned shall be made by the owner within the first five days of the next succeeding quarter and shall be made by presentation of the certificate or insignia last issued for the vehicle or by presentation of a potential certificate or insignia issued by the department for use at the time of renewal and by payment of the full quarterly fee for such vehicle, as provided in this section, or, if renewal is for the remainder of the calendar year, by payment of the annual fee provided by Section 372, as reduced pursuant to Section 373.

(e) A penalty shall be added and collected upon any application for quarterly renewal of registration made on or after the sixth day of any quarter if the vehicle has been operated upon the highways during any of the first five days of such quarter. The penalty shall be equal to the quarterly registration fee due under this section.

When the quarterly registration of any vehicle expires and such vehicle is not thereafter operated upon the highways, then any application for quarterly renewal of registration made subsequent to the fifth day of the quarter following the expiration of such registration and for succeeding quarters in which such vehicle has not been registered shall be accompanied by a certificate of nonoperation. The application and certificate shall be received by the department upon payment of the proper fees for the current quarter. No penalty shall be collected for any such fees imposed by this code if the department receives the application and certificate of nonoperation within five days after the date the vehicle is first operated during the current quarter.

(f) When application for renewal of registration of a vehicle has been made as required in this section, such vehicle may be operated on the highways until the new certificate or insignia of current registration have been received from the department, upon condition that there be displayed on such vehicle, in addition to the license plate or plates and/or validating devices issued to such vehicle for the previous year, the certificate or insignia issued to such vehicle for the previous quarter.

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. The changes effected by this act, however, shall be operative during the calendar years 1954 and 1955 only.

CHAPTER 1741

An act to add Article 6.5 to Chapter 2, Part 1, Division 1, Title 5 of the Government Code, relating to zoning of airport approaches.

In effect September 9, 1953

[Approved by Governor July 7, 1953. Filed with Secretary of State July 8, 1953.]

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

SECTION 1. Article 6.5 is added to Chapter 2, Part 1, Division 1, Title 5 of the Government Code, to read:

Article 6.5. Airport Approaches Zoning Law

Short title

50485. This article shall be known and may be cited as the "Airport Approaches Zoning Law."

Definitions

50485.1. As used in this article, unless the context otherwise requires:

"Airport" means any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes.

"Airport hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

"Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this article.

"City or county" means any city, county, or city and county.

"Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, city or county, or district, and includes any trustee, receiver, or assignee.

"Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead lines.

"Tree" means any object of natural growth.

Airport hazard a public nuisance

50485.2. It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of the aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is hereby declared: (a)

that the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question; (b) that it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and (c) that this should be accomplished, to the extent legally possible, by exercise of the police power. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which a city or county may raise and expend public funds and acquire land or property interests therein.

Airport zoning regulations by city etc

50485.3. In order to prevent the creation or establishment of airport hazards, every city or county having an airport hazard area within its territorial limits may adopt, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for such airport hazard area, which regulations may divide such area into zones, and, within such zones, specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow.

Conflicts in regulations More stringent governs

50485 4. In the event that a city or county has adopted, or hereafter adopts, a comprehensive zoning ordinance regulating, among other things, the height of buildings, any airport zoning regulations applicable to the same area or portion thereof may be incorporated in and made a part of such comprehensive zoning regulations, and be administered and enforced in connection therewith.

In the event of conflict between any airport zoning regulations adopted under this article and any other regulations applicable to the same area whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether such other regulations were adopted by the city or county which adopted the airport zoning regulations or by some other city or county, the more stringent limitation or requirement shall govern and prevail.

Adoption of regulations

50485.5. No airport zoning regulations shall be adopted, amended or changed under this article except by action of the legislative body of the city or county in question after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard At least 15 days' notice of the hearing shall be published in an official paper, or a paper of general circulation, in the city or county in which is located the airport hazard area to be zoned

Airport zoning commission

50485.6. Prior to the initial zoning of any airport hazard area under this article, the city or county which is to adopt the regulations shall appoint a commission, to be known as the airport zoning commission, to recommend the boundaries of the various zones to be established and the regulations to be adopted therefor. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report,

and the legislative body of the city or county shall not hold its public hearings or take other action until it has received the final report of such commission. Where a city or county planning commission already exists, it shall be appointed as the airport zoning commission.

Reasonable regulations

50485.7. All airport zoning regulations adopted under this article shall be reasonable and none shall impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of this article. In determining what regulations it may adopt, each city or county shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the uses to which the property to be zoned is put and adaptable.

Removal, etc., of structures not required

50485.8. No airport zoning regulations adopted under this article shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as provided in Section 50485.10.

Administration, enforcement

50485.9. All airport zoning regulations adopted under this article shall provide for the administration and enforcement of such regulations by an administrative agency which may be an agency created by such regulations or any official, board, or other existing agency of the city or county adopting the regulations, if satisfactory to that city or county. The duties of any administrative agency designated pursuant to this article shall include that of hearing and deciding all applications for permits and variances under Section 50485.10.

Permits to replace, etc., structures

50485.10. Any airport zoning regulations shall provide that before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing such replacement, change or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made. Except as provided herein, all applications for permits shall be granted. No such permit shall be required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of the existing structure.

Variances allowed

Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of airport zoning regulations adopted under this article, may apply to the administrative agency for a variance from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in prac-

tical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this article; provided, that any variance may be allowed subject to any reasonable conditions that the administrative agency may deem necessary to effectuate the purpose of this article.

Permits conditioned

In granting any permit or variance under this section, the administrative agency may, if it deems such action advisable to effectuate the purposes of this article and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the city and county, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

Court review

50485.11. Any person aggrieved or taxpayer affected by any decision of the administrative agency or of any governing body of a city or county, may petition a court for a review of the matter in accordance with law.

The court shall have exclusive jurisdiction to affirm, modify, or set aside the decision brought up for review, in whole or in part, and if need be, to order further proceedings by the administrative agency. The findings of fact of the administrative agency, if supported by substantial evidence, shall be accepted by the court as conclusive, and no objection to a decision of the administrative agency shall be considered by the court unless such objection shall have been urged before the administrative agency, or, if it was not so urged, unless there were reasonable grounds for failure to do so.

In any case in which airport zoning regulations adopted under this article, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the Constitution of this State or the Constitution of the United States, such holding shall not affect the application of such regulations to other structures and parcels of land.

Violations

50485.12. Each violation of this article or of any regulations, orders, or rulings promulgated or made pursuant to this article, shall constitute a misdemeanor. In addition, the city or county adopting zoning regulations under this article may institute in any court of competent jurisdiction an action to prevent, restrain, correct or abate any violation of this article, or of airport zoning regulations adopted under this article, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purpose of this article and of the regulations adopted and orders and rulings made pursuant thereto.

Acquisition of property

50485.13. In any case in which: (a) it is desired to remove, lower, or otherwise terminate a nonconforming structure or use; or (b) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this article; or (c) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the city or county within which the property or nonconforming use is located or the city or county owning the airport or served by it may acquire, by purchase, grant, or condemnation in the manner provided by the law under which a city or county is authorized to acquire real property for public purposes, such air right, air navigation easement, or other estate or interest in the property or nonconforming structure or use in question as may be necessary to effectuate the purposes of this article. In the case of the purchase or grant of any property or any easement or estate or interest therein or the acquisition of the same by the power of eminent domain by a city or county making such purchase or exercising such power, there shall be included in the damages for the taking, injury or destruction of property the cost of the removal and relocation of any structure or public utility which is required to be moved to a new location.

Local governing bodies rights reserved

50485.14. Neither this article nor anything expressed in it is intended to be or is to be construed as a denial of the power of local governing bodies and agencies to provide for zoning regulations pursuant to Article XI, Section 11, of the Constitution.

CHAPTER 1742

An act to add Section 20021.6 to the Government Code, relating to retirement of constables and regularly employed deputy constables.

In effect September 9 1953

[Approved by Governor July 8, 1953. Filed with Secretary of State July 9, 1953.]

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

SECTION 1. Section 20021.6 is added to the Government Code, to read:

"County peace officer"

20021.6. "County peace officer" shall also include the constable and each regularly employed deputy constable of any judicial district and he shall receive credit for service as such peace officer for any time he served as constable or deputy constable of a township in the same county.

The provisions of this section shall not apply to the employees of any contracting agency nor to any such agency unless and until the contracting agency elects to be subject to the provisions of this section by amendment to its contract with the board, made as provided in Section 20461.5 or by express provision in its contract with the board.

CHAPTER 1743

An act to amend Sections 5404, 5410, 5410.5, 5419, 5426, 5437, 5441, 5525, 5583, 5644, 5653, 5704 and 5765 of the Public Resources Code, relating to recreation districts.

[Approved by Governor July 7, 1953. Filed with Secretary of State July 9, 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.

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.

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.

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.

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.

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.

Notwithstanding the foregoing provisions of this section, whenever any incorporated area is included within a district, the governing body of such incorporated area may designate the board of supervisors of the county as the district board of directors, and where so designated by the governing bodies of all incorporated areas included in the district, the board of supervisors shall constitute the district board of directors.

SEC. 1.5. Section 5410 of the Public Resources Code is amended to read:

Ballots

5410. The ballots used at the election need not contain a description of the district but shall contain in substance as follows: "Shall the resolution of the (governing body of the city or county) of the _____ day of _____, 19___, that _____ (city or county) park, recreation, and parkway district be established, be ratified?" Opposite this proposal shall be printed the words "Yes" and "No" together with voting squares.

Election results

If at the election a majority of the votes cast ratify the establishment of the district the governing body shall enter a finding to that effect upon its minutes, and thereafter the district is established and organized.

The district shall pay the cost of the election, except that if it fails to be created and organized, the county shall pay the cost of the election.

SEC. 2. Section 5410.5 of said code is amended to read:

Election of directors

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 district shall pay the cost of the election. 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 5419 of said code is amended to read:

Election on dissolution

5419. The election shall be called in the same manner in all particulars as an election called to form a district. If at the election the majority of the votes cast ratify the proposal to dissolve the district, its governing body shall enter a finding to that effect upon its minutes and thereupon the district is dissolved. The district shall pay the cost of the election.

SEC. 4. Section 5426 of said code is amended to read:

Conduct of election

5426. The election shall be so conducted and shall be held at such place and during such hours of the day as will in the judgment of the governing body best serve the needs and convenience of a majority of the voters of the existing or proposed district. The district shall pay the cost of the election.

SEC. 5. Section 5437 of said code is amended to read:

Voters

5437. Every registered voter residing in the district is entitled to cast one vote at the election. If, upon the election, a majority of the votes cast in the district favor its establishment, the district is created.

The district shall pay the cost of the election, except that if it fails to be created and established, the county shall pay the cost of the election.

SEC. 6. Section 5441 of said code is amended to read:

5441. An election shall be held to authorize the issuance of bonds. The trustees of a district may call an election at their discretion, and they shall call an election upon presentation to them of a petition requesting the issuance of bonds, specifying the purpose to which the proceeds are to be applied, and signed by electors of the district entitled to cast votes equal in number to at least 25 percent of the total number of votes of all the electors of the district. The resolution of the trustees calling a bond election, in addition to all of the matters required by this article for a resolution calling an election, shall state the amount of the proposed bond issue, the rate of interest thereon, and the maximum date of maturity of the bonds. If two-thirds of the votes cast at the bond election are in favor of the issuance of the bonds, the trustees shall cause bonds to be issued. The district shall pay the cost of the election. Bond election

SEC. 7. Section 5525 of said code is amended to read:

5525. The board of supervisors calling the election shall make all provisions for holding the election throughout the entire proposed district. Cost of election

The district shall pay the cost of the election, except that if it fails to be created and established, the county shall pay the cost of the election.

SEC. 8. Section 5583 of said code is amended to read:

5583. The election may be consolidated with, or held separately on the same day as, any other state, county, or city election, as provided in Section 5519, and in case of consolidation the resolution calling the election and the notice need not state or designate the precincts, polling places, or election officers, but may provide such alternative matters as are specified in Section 5519. If the election is held separately, the district shall pay the cost of that election. Election consolidated

SEC. 9. Section 5644 of said code is amended to read:

5644. If it appears that a majority of all the votes cast at the election are in favor of the organization of the district, the board of supervisors by resolution entered on its minutes shall declare the district duly organized. The resolution shall give the name of the district as theretofore designated, and shall describe its boundaries. Resolution declaring organization

The district shall pay the cost of the election, except that if it fails to be organized, the county shall pay the cost of the election.

SEC. 10. Section 5653 of said code is amended to read:

5653. As to any particular not mentioned in this article the election shall be held in accordance with the general election laws of the State. The district shall pay the cost of any such election. Election laws

SEC. 11. Section 5704 of said code is amended to read:

5704. The board of supervisors calling the election shall make all provisions for holding the election throughout the entire proposed district. Cost of election

The district shall pay the cost of the election, except that if it fails to be created and established, the county shall pay the cost of the election.

SEC. 12. Section 5765 of said code is amended to read:

Election consolidated

5765. The election may be consolidated with, or held separately on the same day as, any other state, county, or city election, as provided in Section 5709 and in case of consolidation the resolution calling the election and the notice need not state or designate the precincts, polling places, or election officers, but may provide such alternative matters as are specified in Section 5709 If the election is held separately, the district shall pay the cost of that election.

CHAPTER 1744

An act to amend Section 437 of the Education Code, relating to the salary of the superintendent of schools of a county of the thirty-seventh class.

In effect September 9, 1953

[Approved by Governor July 8, 1953 Filed with Secretary of State July 9, 1953]

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

SECTION 1. Section 437 of the Education Code is amended to read:

Sutter County Superintendent of Schools Salary

437. The annual salary of the county superintendent of schools of a county of the thirty-seventh class is five thousand four hundred dollars ($5,400) a year, and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

CHAPTER 1745

An act to amend Section 20751 of the Government Code, relating to the State Employees' Retirement System in respect to state contributions, and making an appropriation.

In effect September 9, 1953

[Approved by Governor July 8, 1953 Filed with Secretary of State July 9, 1953]

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

SECTION 1. Section 20751 of the Government Code is amended to read:

Appropriation Retirement Fund

20751. From the General Fund in the State Treasury there is appropriated monthly to the Retirement Fund the State's contribution for:

(a) All state miscellaneous members and all other categories of members whose compensation is paid from the General Fund.

(b) All university members whose compensation is paid from funds of, or funds appropriated to, the university.

(c) All state miscellaneous members who are employed by the Department of Education and whose compensation is paid from the Vocational Education Fund, the Vocational Rehabilitation Fund, or any other fund received, in whole or in part, as a donation to the State under restrictions preventing its use for state contributions to the retirement system.

(d) All state miscellaneous members whose compensation is paid from moneys in the Division of Architecture Revolving Fund or the Water Resources Revolving Fund, where such moneys were derived from an appropriation from the General Fund.

(e) All state miscellaneous members whose compensation is paid from the Senate Contingent Fund or the Assembly Contingent Fund.

CHAPTER 1746

An act to add Sections 10214 and 10270.65 to the Insurance Code, relating to group insurance.

[Approved by Governor July 8, 1953. Filed with Secretary of State July 9, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 10214 is added to the Insurance Code, to read:

Disposition of excess of dividend or premium refunded Group life insurance

10214. If hereafter any dividend is paid or any premium refunded under any policy of group life insurance heretofore or hereafter issued, the excess, if any, of the aggregate dividends or premium refunds under such policy over the aggregate expenditures for insurance under such policy made from funds contributed by the policyholder, or by an employer of insured persons or by union or association to which such insured persons belong, including expenditures made in connection with the administration of such policy, shall be applied by the policyholder for the benefit of such insured employees generally or their dependents or insured members generally or their dependents. For the purpose of this section and at the option of the policyholder, "policy" may include all group life and disability insurance policies of the policyholder.

SEC. 2. Section 10270.65 is added to the Insurance Code, to read:

Group disability insurance

10270.65. If hereafter any dividend is paid or any premium refunded under any policy of group disability insurance heretofore or hereafter issued, the excess, if any, of the aggregate dividends or premium refunds under such policy over the aggregate expenditures for insurance under such policy made from funds contributed by the policyholder, or by an employer of such insured persons or by union or association to which insured persons belong, including expenditures made in connection with the administration of such policy, shall be applied by

the policyholder for the benefit of such insured employees generally or their dependents or insured members generally or their dependents. For the purpose of this section and at the option of the policyholder, "policy" may include all group life and disability insurance policies of the policyholder.

Not retroactive

SEC. 3. Nothing contained in this act shall affect in any way whatsoever any dividends paid or premiums refunded prior to the effective date of this act nor any litigation pending at the time this act takes effect which involves dividends paid or premiums refunded prior to such effective date.

CHAPTER 1747

An act to amend Section 15 of Chapter 737 of the Statutes of 1951, relating to the Interim San Francisco Bay Ports Commission.

In effect September 9, 1953

[Approved by Governor July 8, 1953. Filed with Secretary of State July 9, 1953.]

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

SECTION 1. Section 15 of Chapter 737 of the Statutes of 1951 is amended to read:

Termination date

Sec. 15. This act shall continue in effect until the ninety-first day after the adjournment of the Legislature in 1955, after which date it shall have no further force or effect.

CHAPTER 1748

An act to amend Section 254 of the Unemployment Insurance Act (Chapter 352 of the Statutes of 1935), and Section 2714 of the Unemployment Insurance Code, relating to the revealing of the identity of claimants of unemployment compensation disability benefits.

In effect September 9, 1953

[Approved by Governor July 8, 1953. Filed with Secretary of State July 9, 1953.]

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

SECTION 1. Section 254 of the act cited in the title hereof is amended to read:

Medical records confidential

Sec. 254. All medical records of the department, except to the extent necessary for the proper administration of this article, 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 nor admissible in evidence in any action or special proceedings other than one arising under this act; notwithstanding anything contained in this section, the department may reveal the

identity only of any claimant to the Bureau of Vocational Rehabilitation of the Department of Education Any information received by the Bureau of Vocational Rehabilitation pursuant to this section shall remain confidential and shall not be disclosed by the bureau.

NOTE: The section of the Unemployment Insurance Code affected by this chapter appears in its proper place in that code, Chapter 308 of 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 254 of the Unemployment Insurance Act, as amended by this act, is repealed. Effect Stats. 1953, Ch 308

CHAPTER 1749

An act to amend Sections 8000, 8002, 8003, 8016, 8018, 8020, 8022, and 8032 of, and to add Sections 8019 and 8026 to, the Business and Professions Code, and to amend Sections 2, 3, 6, 8, 11, 12, 14, and 16 of, and to add Section 14.5 to Chapter 1679 of the Statutes of 1951, relating to the regulation of shorthand reporting.

[Approved by Governor July 7, 1953. Filed with Secretary of State July 9, 1953.] In effect September 9, 1953

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

SECTION 1. Section 8000 of the Business and Professions Code is amended to read:

8000. There is in the Department of Professional and Vocational Standards a Certified Shorthand Reporters Board, 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 who have been actively engaged as shorthand reporters within this State for at least five years immediately preceding their appointment. Certified Shorthand Reporters Board Members

SEC. 2. Section 8002 of said code is amended to read:

8002. Each member of the board shall receive twenty-five dollars ($25) per day for the time actually spent in the performance of his duties under this chapter, and he shall be reimbursed for all necessary expenses incurred in the performance of such duties. Compensation

SEC. 3. Section 2 of the act cited in the title hereof is amended to read:

Sec. 2. There is in the Department of Professional and Vocational Standards a Certified Shorthand Reporters Board, 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 Same

this act who have been actively engaged as shorthand reporters within this State for at least five years immediately preceding their appointment.

Each member of the board shall receive twenty-five dollars ($25) per day for the time actually spent in the performance of his duties under this chapter, and he shall be reimbursed for all necessary expenses incurred in the performance of such duties.

SEC. 4. Section 3 of said act is amended to read.

Terms of office

Sec. 3. 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 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.

SEC. 5. Section 8003 of said code is amended to read:

Officers, quorum, etc

8003. At each yearly meeting a chairman and vice chairman 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.

SEC. 6. Section 6 of said act is amended to read:

Sec. 6 At each yearly meeting a chairman and vice chairman 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. The expenses of the members of the board and the expenses of the board that are necessary to carry out the provisions of this act shall be paid from the fees collected under this act and such expenses shall not exceed the amount so collected.

SEC. 7. Section 8 of said act is amended to read:

Additional powers and duties

Sec. 8. The board shall have the following powers and duties in addition to those elsewhere in this act enumerated:

(1) To adopt a seal which shall be affixed to all certificates issued by the board.

(2) To suspend or revoke, for any cause hereinbelow specified, any certificate issued hereunder; provided, that such revocation or suspension receive the affirmative vote of at least four members of said board. Causes for suspending or revoking a certificate shall consist of one or more of the following:

(a) Conviction of a felony or of 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.

(3) To charge and collect from all applicants for certificates hereunder the fees hereinafter provided.

(4) To require the annual renewal of all such certificates and to collect therefor a renewal fee of twenty dollars ($20) or such lesser amount as may be fixed by the board.

(5) To issue subpenas, to administer oaths, and to take testimony concerning any matter within the jurisdiction of said board.

(6) The disciplinary proceedings described in subdivision (2) of this section 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.

SEC. 8. Section 8016 of said code is amended to read.

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.

SEC. 9. Section 8018 of said code is amended to read:

"Certified shorthand reporter"

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, firm, or corporation shall assume or use the title "certified shorthand reporter," or the abbreviation "C. S. R.," or in any manner whatever represent that he or it is certified under this chapter.

SEC. 10. Section 11 of said act is amended to read.

Sec. 11. Any person holding a valid certificate as a shorthand reporter, as provided in this act, shall be styled and known as a "certified shorthand reporter." No other person, firm, or corporation shall assume or use the title "certified shorthand reporter," or the abbreviation "C. S. R.," or in any manner whatever represent that he or it is certified under this chapter.

SEC 11 Section 8019 is added to said code, to read:

Penalty

8019. A violation of any provision of this chapter is a misdemeanor.

SEC. 12 Section 16 of said act is amended to read:

Sec. 16. A violation of any of the provisions of this act is a misdemeanor.

SEC. 13. Section 8020 of said code is amended to read·

Certificate holder's qualifications

8020. Any citizen of the United States over the age of 21 years, of good moral character, having a high school education or its equivalent as determined by the board, and being 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.

SEC. 14. Section 12 of said act is amended to read:

Sec. 12. Any citizen of the United States over the age of 21 years, of good moral character, having a high school education or its equivalent as determined by the board, and being 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.

SEC. 15. Section 8022 of said code is amended to read:

Application for certificate

8022. Each applicant for a certificate under this chapter shall file an application with the executive secretary of the board at least 30 days before the date fixed for examination accompanied by the required fee.

SEC. 16. Section 14 of said act is amended to read:

Fee, examination, etc

Sec. 14. Each applicant for a certificate hereunder shall file an application with the secretary of the board at least 30 days before the date fixed for examination, and shall pay to said secretary at the time of filing his application the sum of twenty-five dollars ($25). No certificate shall be issued until the applicant shall have passed the examination prescribed by the board; provided, however, that any person who applies for a certificate hereunder on or before six months after the effective date of this act who, at the time of filing his application has been a practicing shorthand reporter in the State of California for three years, or has prior thereto successfully passed the examination provided for in Section 270 of the Code of Civil Procedure, shall file with his application proof of said facts, and the board shall accept said proof and evidence in lieu of an examination and shall grant said applicant a certificate. The applicant may be re-examined once within 18 months from the date of his application without the payment of an additional fee.

SEC. 17. Section 8026 is added to said code, to read:

Absentees, certified upon return

8026. Any person who has taken and passed the examination required by Section 270 of the Code of Civil Procedure and has been absent from the continental limits of the United States while engaged in services for the United States shall, if he presents proof of the above qualifications within 90 days after the effective date of this act or one year following his return to this Country, but in no event any more than three years from the effective date of this act, be certified by the board as a certified shorthand reporter.

SEC. 18. Section 14.5 is added to said act, to read:

14.5. Any person who has taken and passed the examination required by Section 270 of the Code of Civil Procedure and has been absent from the continental limits of the United States while engaged in services for the United States shall, if he presents proof of the above qualifications within 90 days after the effective date of this act or one year following his return to this Country, but in no event any more than three years from the

effective date of this act, be certified by the board as a certified shorthand reporter.

SEC. 19. Section 8032 of said code is amended to read:

8032. An applicant may be re-examined once within 18 months from the date of his application without the payment of an additional fee.

Re-examination. No additional fee

SEC. 20. Sections 1, 2, 5, 8, 9, 11, 13, 15, 17, and 19 of this act become operative only if Chapter 13 of Division 3 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 Chapter 13 takes effect, at which time Sections 2, 3, 6, 8, 11, 12, 14, and 16 of Chapter 1679 of the Statutes of 1951, amended by this act, and Section 14.5 added to said chapter by this act, are repealed.

Effect. Stats. 1953, Ch. 191

CHAPTER 1750

An act to add Section 21292.1 to, and to amend Section 20750.2 of, the Government Code, relating to the State Employees' Retirement System in respect to increases in the disability retirement allowances of certain retired members of the California Highway Patrol.

[Approved by Governor July 7, 1953. Filed with Secretary of State July 9, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 21292.1 is added to the Government Code, to read:

21292.1. Every disability retirement allowance payable for time commencing on the effective date of this section to any State Patrol member who was retired for industrial disability prior to June 1, 1952, is hereby increased to an amount equal to 50 percent of the maximum compensation earnable on June 1, 1952, by a person holding the position which the retired patrol member held at the time of his retirement.

Disability payments increased

Where a retired member to whom an increased retirement allowance is payable under this section has elected pursuant to Article 4 of Chapter 9 of this part to have his retirement allowance modified in accordance with an optional settlement provided in Section 21333, Section 21334, or Section 21335, the increase provided by this section shall be modified under the optional settlement so elected, on the basis of ages at the effective date of retirement, and current mortality tables and interest rate.

This section does not authorize any decrease in any disability retirement allowance, nor does this section give any retired member, or his successors in interest, or his beneficiary any claim against the State for any increase in any disability retirement allowance paid or payable for time prior to its effective date.

SEC. 2. Section 20750.2 of said code is amended to read:

State contribution

20750.2. The State's contribution to the retirement fund in respect to state patrol members is a sum equal to 29.07 percent of the compensation paid state patrol members.

Operative date

SEC. 3. This act shall take effect on the first day of the month next succeeding the ninetieth day after final adjournment of the 1953 Regular Session of the Legislature.

CHAPTER 1751

An act to add Section 7.9 to the Unemployment Insurance Act (Chapter 352 of the Statutes of 1935) and to add Section 651 to the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 9, 1953

[Approved by Governor July 8, 1953. Filed with Secretary of State July 9, 1953.]

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

SECTION 1. Section 7.9 is added to the Unemployment Insurance Act, to read:

"Employment"

Sec. 7.9. "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.

NOTE. The section of the Unemployment Insurance Code affected by this chapter appears in its proper place in that code, Chapter 308 of Statutes of 1953, as required by Section 9762 of the Government Code.

Effect Stats. 1953, Ch. 308

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 7.9 of the Unemployment Insurance Act, as added by this act, is repealed.

Declaratory of existing law

SEC. 4. This act is declaratory of the existing law and the administrative interpretation thereof which is in conformity with the federal law, and is not intended and shall not be construed as effecting any change therein.

CHAPTER 1752

An act to amend Sections 821 and 826 of the Agricultural Code, relating to fruit, nut, and vegetable standards.

In effect September 9, 1953

[Approved by Governor July 8, 1953. Filed with Secretary of State July 9, 1953.]

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

SECTION 1. Section 821 of the Agricultural Code is amended to read:

821. Apples shall conform to the following standards: Grades

(a) The "extra fancy" grade consists of well grown, properly matured apples of one variety which are clean, well colored, normally shaped for the locality where produced, free from decay, visible Baldwin spot, Jonathan spot, scald, internal breakdown, visible watercore, bruises (except such bruises as are necessarily caused in proper sorting or packing), broken skin, insect pests, limb rub, spray burn, sun scald, russeting except within the basin of the stem, drought spot, hail mark, frost injury, internal browning, apple scab and other diseases, insect bites, and other defects.

(b) The "fancy" grade consists of well grown, properly matured apples of one variety which are clean, normally shaped for the locality where produced, free from decay, visible Baldwin spot, Jonathan spot, soft scald, internal breakdown, visible watercore, bruises (except such bruises as are necessarily caused in proper sorting or packing), broken skin, and insect pests; and free from appreciable damage caused by limb rub, spray burn, sun scald, russeting, drought spot, hail mark, frost injury, internal browning, apple scab, flyspeck fungus and other diseases, insect pests, sun spots, and other defects.

(c) The "C" grade consists of properly matured apples of one variety which are virtually clean, free from decay, soft scald, internal breakdown, visible watercore, bruises (except such bruises as are necessarily caused in proper sorting or packing), broken skin, and insect pests; and free from serious damage caused by stem punctures, visible Baldwin spot, Jonathan spot, sun scald, spray burn, hail marks, frost injury, internal browning, apple scab, insect pests, blossom end cracks, storage scald, Jonathan freckle, and other diseases and defects.

The grades established by this section are the standard grades for apples. The "extra fancy" is the highest, "fancy" the next highest, and "C" grade the lowest of such grades.

SEC. 2. Section 826 of said code is amended to read:

826. As to apples, "serious damage" means any injury or defect which seriously detracts from the appearance or quality of the apple. The following defects are not serious damage: "Serious damage"

(a) Stem punctures, when affecting apples of the Newtown Pippin and Bellefleur varieties, if the punctures are slight and if such punctures affect less than 50 percent, by count, of such apples in any one container or bulk lot. Stem punctures to any extent are serious when affecting any other variety of apples.

(b) Jonathan spot and/or Baldwin spot, when affecting apples of the Newtown Pippin and Bellefleur varieties if no more than 25 percent, by count, of such apples in any one container or bulk lot are affected by no more than three spots each of either or both of such defects. Jonathan spot and/or visible Baldwin spot in any extent are serious in all other varieties of apples.

(c) Sun scald and spray burn, where there is no blistering or cracking of the skin or where the flesh is not seriously discolored or injured.

(d) Hail marks or frost injury, where such defects do not cover more than an aggregate area of one-tenth of the surface of the apple or materially deforms or disfigures the fruit.

(e) Internal browning, which cannot be detected by external examination or pressure.

(f) Scab spots on any one apple which in the aggregate do not exceed one-half of one inch in diameter.

(g) Five well healed case bearer, codlin moth, or aphid stings on an apple, none of which may exceed one-eighth of an inch in diameter exclusive of any encircling green ring.

(h) Slight blossom end cracks.

(i) Jonathan freckle on any one apple which in the aggregate does not exceed one-half of one inch in diameter.

CHAPTER 1753

An act to amend Sections 6885 and 6886 of the Business and Professions Code, relating to collection agencies.

In effect September 9, 1953

[Approved by Governor July 8, 1953. Filed with Secretary of State July 9, 1953.]

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

SECTION 1. Section 6885 of the Business and Professions Code is amended to read:

Application requirements

6885. No application for license shall be granted by the Secretary of State unless the applicant has met the requirements of this article in addition to all other requirements of this chapter and any rules and regulations established under the chapter, except that the examination requirements shall be waived:

Exceptions

(a) If the business for which any license is sought is to be under the active management of a person who has been actively and continuously engaged in the general collection agency business as an individual licensee or, as an active member of a licensed copartnership from May 1, 1941, to within 60 days of the date of application to the Secretary of State, or under the active management of a qualified person.

(b) If the license sought is for the repossession-collection business and the person to be actively in charge of the business has been actively and continuously engaged in the repossession-collection business as an individual licensee or as an active member of a licensed copartnership in the repossession-collection business from May 1, 1941, to within 60 days of the date of application to the Secretary of State, or under the active management of a qualified person.

Active service in the United States military or armed forces shall not be deemed to constitute absence from business within the meaning of this section if the business be actually and actively resumed within six months after discharge from such service.

SEC. 2. Section 6886 of said code is amended to read:

6886. Except as in this chapter otherwise provided, the person to be actively in charge of an agency or office as manager, shall: Office manager Qualifications

(a) Be a citizen of the United States.

(b) Be at least 21 years of age.

(c) Be of good moral character.

(d) Be a bona fide resident of this State continuously for at least one year prior to the date of the filing of the application.

(e) Possess the necessary qualifications of learning and ability.

(f) Pass the examination required.

(g) Be a qualified elector of this State.

(h) Pay the examination fee to the Secretary of State.

CHAPTER 1754

An act to add Section 172d to the Penal Code, relating to selling or exposing intoxicating liquor for sale in the vicinity of a described portion of the grounds belonging to the University of California at Riverside.

[Approved by Governor July 8, 1953. Filed with Secretary of State July 9, 1953.] In effect September 9, 1953

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

SECTION 1. Section 172d is added to the Penal Code, to read:

172d. 1. Every person who, within one mile of that portion of the grounds at Riverside (hereinafter described) belonging to the University of California, that will be used by the College of Letters and Sciences, sells, or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or not less than one hundred dollars ($100), or by imprisonment for not less than 50 days or by both such fine and imprisonment in the discretion of the court. Unlawful sale, etc., of intoxicating liquor

2. The provisions of this section shall not apply to the sale, gift, or exposing or offering for sale of beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor of fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight. Exceptions

3. Distances provided in this section shall be measured not by air line but by following the shortest road or roads connecting the points in question. Measuring distances

4. Until three years from the effective date of this section the provisions of this section shall not apply to the sale, giving away, exposing for sale, or serving of alcoholic beverages by any licensee under the Alcoholic Beverage Control Act in any premises for which a license is issued and in effect on the effective date of this section. Present licensees

Grounds described

5. The portion of the grounds of the University of California referred to in paragraph 1 are situated in the County of Riverside and more particularly described as follows beginning at the intersection of Canyon Crest Drive and U S Highway 60, thence southeasterly along said highway to a point opposite the intersection of said U. S. Highway 60 and Pennsylvania Avenue, thence northeasterly following center line of present drive into University campus, thence continuing north along said center line of drive on west side of Citrus Experiment Station buildings to a point intersecting the present east-west road running east from intersection of Canyon Crest Drive and U. S. Highway 60, thence east 500 feet more or less, thence north 1300 feet more or less, thence east to intersection of east boundary of the Regents of the University of California property (Valencia Hill Drive), thence north along said east boundary to the north boundary of the Regents of the University of California property (Linden Street), thence west along said north boundary to the west boundary of the Regents of the University of California property (Canyon Crest Drive) thence south along said west boundary to the point of beginning.

CHAPTER 1755

An act relating to the acquisition of lands bearing Sequoia gigantea trees.

In effect September 9, 1953

[Approved by Governor July 8, 1953 Filed with Secretary of State July 9, 1953]

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

Acquisition of lands bearing Sequoia gigantea trees

SECTION 1 Pursuant to Section 4850 1 of the Public Resources Code, the State Park Commission, or the State Forester on favorable recommendation of the Board of Forestry, may acquire any forested lands on which are found growing trees of the species Sequoia gigantea when, in the opinion of the commission or the Board of Forestry, the acquisition of such forested lands is necessary to the preservation of the Sequoia trees and to the public welfare

Time of acquisition

SEC. 2. Whenever sufficient moneys are paid into the State Park Fund from the moneys impounded pursuant to Chapter 7 of the Statutes of 1951, and are appropriated by the Legislature therefor, the State Park Commission, or the State Forester upon the favorable recommendation of the Board of Forestry shall proceed, as provided in this law, to acquire and preserve groves of Sequoia gigantea trees in accordance with the general principles set forth in the report made to the Legislature pursuant to Resolution Chapter 129 of the Statutes of 1951.

A copy of each deed conveying lands to the State, pursuant to this act, shall be delivered to the State Lands Commission.

CHAPTER 1756

An act to amend Sections 73821, 73822, 73823, 73825, 73826, and 73827 of the Government Code, relating to the number and compensation of judges, officers and attaches of the municipal court established in the City of Modesto.

[Approved by Governor July 8, 1953. Filed with Secretary of State July 9, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 73821 of the Government Code is amended to read:

Modesto municipal court salaries Judges

73821. There shall be two judges, each of whom shall receive ten thousand dollars ($10,000) annually.

SEC. 2. Section 73822 of said code is amended to read:

Clerk

73822. There shall be one clerk who shall receive a minimum salary of three hundred eighteen dollars ($318) monthly, with annual increments of fifteen dollars ($15), sixteen dollars ($16), sixteen dollars ($16), and seventeen dollars ($17) to a maximum of three hundred eighty-two dollars ($382) monthly.

SEC. 3. Section 73823 of said code is amended to read:

73823. The clerk may appoint:

Deputy clerks

(a) Two deputy clerks who shall be court clerks and each of whom shall receive a minimum salary of two hundred sixty-five dollars ($265) monthly with annual increments of twelve dollars ($12), thirteen dollars ($13), fourteen dollars ($14), and fourteen dollars ($14) to a maximum of three hundred eighteen dollars ($318) monthly.

(b) One deputy clerk 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.

(c) Four deputy clerks, each of whom shall receive a minimum salary of two hundred eleven dollars ($211) monthly with annual increments of ten dollars ($10), ten dollars ($10), eleven dollars ($11), and eleven dollars ($11) to a maximum of two hundred fifty-three dollars ($253) monthly.

SEC. 4. Section 73825 of said code is amended to read:

73825. The marshal may appoint the following:

Marshal's appointees

(a) One deputy marshal who shall be court bailiff, and who shall receive a minimum salary of two hundred sixty-five dollars ($265) monthly with annual increments of twelve dollars ($12), thirteen dollars ($13), fourteen dollars ($14), and fourteen dollars ($14) to a maximum of three hundred eighteen dollars ($318) monthly.

(b) One deputy marshal clerk who shall receive a minimum salary of two hundred eleven dollars ($211) monthly with annual increments of ten dollars ($10), ten dollars ($10), eleven dollars ($11), and eleven dollars ($11) to a maximum of two hundred fifty-three dollars ($253) monthly.

(c) Two deputies who shall be custodians at the fee allowed by law for keeping property.

SEC. 5. Section 73826 of said code is amended to read:

Official reporters Compensation

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 in criminal 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.

SEC. 6. Section 73827 of said code is amended to read:

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, which shall upon order of the court be a charge against the general fund of the county.

CHAPTER 1757

An act to amend Sections 55, 60, 111, 118, 120, 123, 129, 3205, 3710, 3712, and 5310 of, to amend and renumber Section 143 of, and to repeal Section 124 of, the Labor Code, relating to the Director of Industrial Relations, workmen's compensation, and the Chairman of the Industrial Accident Commission.

In effect September 9, 1953

[Approved by Governor July 8, 1953. Filed with Secretary of State July 9, 1953.]

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

SECTION 1. Section 55 of the Labor Code is amended to read:

Department organization

55. For the purpose of administration the director shall organize the department subject to the approval of the Governor, in the manner he deems necessary properly to segregate and conduct the work of the department. Notwithstanding any provision in this code to the contrary, the director may require any division in the department to assist in the enforcement of any or all laws within the jurisdiction of the department. He may adopt and enforce such orders, rules, or regulations as may be necessary for the administration of the department and its divisions. The provisions of this section, however, shall not apply to the Division of Industrial Accidents or the State Compensation Insurance Fund, except as to any power or jurisdiction within such divisions as may have been specifically conferred upon the director by law.

SEC. 2. Section 60 of said code is amended to read:

Enforcement of Divisions 4 and 4.5

60. Except as otherwise provided, the provisions of Divisions 4 and 4.5 of this code shall be administered and enforced by the Industrial Accident Commission.

SEC. 3. Section 111 of said code is amended to read:

111. The Industrial Accident Commission, consisting of seven members, shall exercise all judicial powers, including those vested in it under Sections 4903, 5301, and 5307 of this code In all other respects, the Division of Industrial Accidents is under the control of the chairman of the commission and, except as to those duties, powers, jurisdiction, responsibilities and purposes as are specifically vested in the commission as a whole, the chairman shall exercise the powers of the head of a department within the meaning of Article 1, Chapter 2, Part 1, Division 3, Title 2 of the Government Code with respect to the Division of Industrial Accidents which shall include supervision of and responsibility for personnel and the coordination of the work of the commission and its panels. The chairman may appoint or designate one of the commissioners to act as chairman during such time as he may be absent from the State due to official business, on vacation, or absent due to illness. Industrial Accident Commission

SEC. 4. Section 118 of said code is amended to read:

118. The chairman may appoint an attorney and assistants licensed to practice law in this State. Attorney

SEC. 5. Section 120 of said code is amended to read:

120. The chairman may appoint a secretary and assistant secretaries. Secretary

The secretary shall: Duties

(a) Keep a full record of all proceedings of the commission.

(b) Issue all necessary processes, writs, warrants, and notices which the commisison is required or authorized to issue.

(c) Generally perform the duties which the commission prescribes.

SEC. 6. Section 123 of said code is amended to read:

123. The chairman may employ necessary assistants, officers, experts, statisticians, actuaries, accountants, referees, and other employees to perform the duties and exercise the powers which are under the jurisdiction of the commission. The salaries of the referees shall be fixed by the State Personnel Board for a class of positions which perform judicial functions. Other employees

SEC. 7 Section 124 of said code is hereby repealed. Repeal

SEC. 8. Section 129 of said code is amended to read:

129. The secretary and assistant secretaries appointed by the chairman shall have all the powers of peace officers to carry weapons, make arrests, and serve warrants and other process in this State. Peace officer powers

SEC. 9. Section 143 of said code is amended and renumbered to read:

54.5. The director may appoint an attorney and assistants licensed to practice law in this State. In the absence of such appointment then the attorney for the Industrial Accident Commission shall also perform such legal services for the department as the Director of Industrial Relations may direct. Attorney

SEC. 10. Section 3205 of said code is amended to read:

3205. "Commission" means the Industrial Accident Commission. "Commission"

SEC. 11. Section 3710 of said code is amended to read:

Enforcement

3710. The Director of Industrial Relations shall enforce the provisions of this article. He may employ necessary investigators, clerks, and other employees, and make use of the services of any civil service employee of the department whom he may assign to assist him in the enforcement of this article. He may appoint the attorney for the Industrial Accident Commission, or any attorney in the Division of Labor Law Enforcement, or any attorney possessing civil service status who is an employee of the Department of Industrial Relations, or several of them, to also perform the duties of compensation enforcement officer, whose duty it shall be to enforce compliance with the terms of this division, and to prosecute or assist in prosecution for violations of it. Prosecutions for criminal violations of this division may be conducted by the appropriate public official of the county in which the offense is committed, by the Attorney General, by the attorney for the Industrial Accident Commission, by an attorney in the Division of Labor Law Enforcement, or by any attorney in the civil service of the Department of Industrial Relations specificially designated by the director for such purpose.

SEC. 12. Section 3712 of said code is amended to read:

Failure to secure payment declared nuisance

3712. The securing of the payment of compensation in a way provided in this division is essential to the functioning of the expressly declared social public policy of this State in the matter of worker's compensation; and the conduct or operation of any business or undertaking without full compensation security, in continuing violation of such social policy, is hereby declared to be a nuisance which may be abated upon suit brought in the name of the Director of Industrial Relations before the superior court of any county in which all or some part of such business is being thus unlawfully conducted or operated. In no such proceeding may any filing fee be charged to the plaintiff; nor may any charge or cost be imposed for any act or service required of or done by any state or county officer or employee in connection with such proceeding. No bond shall be required as a prerequisite to the granting of a restraining order. If the court or the judge before whom the order to show cause in such proceeding shall be made returnable, shall find that the defendant is conducting or operating a business or undertaking without the full compensation security required, he shall forthwith, and without continuance, issue an order restraining the future or further conduct and operation of said business or undertaking so long as such violation of social public policy shall continue Such action may be prosecuted by the Attorney General of California, the district attorney of the county in which suit is brought, the city attorney of any city in which such a business or undertaking is being operated or conducted without full compensation security, or the attorney for the Industrial Accident Commission, any attorney in the Division of Labor Law Enforcement, or any attorney possessing civil service status who is an employee of the Department of Industrial Relations who may be specifi-

Abatement

cally designated by the director for such purpose. No finding made in the course of any such action shall be binding on the commission in any subsequent proceeding before it for benefits under this division.

SEC. 13. Section 5310 of said code is amended to read:

5310. The commission may appoint one or more commissioners or referees in any proceeding, as it may deem necessary or advisable, and may refer, remove to itself, or transfer to another commissioner or referee the proceedings on any claim. The chairman may appoint general referees. Any referee appointed by the chairman has the powers, jurisdiction, and authority granted by law, by the order of appointment, and by the rules of the commission.

Appointment of referees

CHAPTER 1758

An act to amend Section 738 and to repeal Section 739 of the Probate Code and to amend Section 1443 of the Code of Civil Procedure, relating to estates of deceased persons.

[Approved by Governor July 8, 1953. Filed with Secretary of State July 9, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 738 of the Probate Code is amended to read:

738. Whenever an estate is in all other respects ready to be closed, and it is made to appear to the satisfaction of the court or judge, by affidavit or by evidence taken in open court, that an allowed and approved claim has not been and cannot be paid because the claimant cannot be found, the court or judge shall make an order fixing the amount of the claim, with interest, if any, and directing the executor or administrator to deposit that amount with the county treasurer of the county in which the proceedings are pending, who shall give a receipt for the same, and who shall be liable upon his official bond therefor; and said receipt shall be deemed and received by the court, or judge thereof, as a voucher in favor of the executor or administrator with the same force and effect as if executed by such claimant.

Deposit of claim due when claimant unavailable

Any money deposited with the county treasurer under the provisions of this section shall be received, accounted for, and disposed of as provided by Section 1444 of the Code of Civil Procedure. Any money deposited in the State Treasury under the provisions of this section shall be deemed to be so deposited under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

SEC. 2. Section 739 of the Probate Code is hereby repealed.

Repeal

SEC. 3. Section 1443 of the Code of Civil Procedure is amended to read:

1443. Notwithstanding any other provision of law, all money or other property paid or delivered to the State or any officer or employee thereof under the provisions of Sections 231,

Deposit, etc., of money delivered

738, 1027, 1144, or 1148 of the Probate Code, or under any other section of said code, or any amendment thereof adopted after the effective date of this section, 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 1759

An act to add Sections 685 and 686 to the Vehicle Code, relating to the transportation of workmen by truck.

In effect September 9, 1953

[Approved by Governor July 8, 1953. Filed with Secretary of State July 9, 1953.]

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

SECTION 1. Section 685 is added to the Vehicle Code, to read:

Trucks used to transport workmen

685. Equipment on Trucks Used to Transport Workmen. Trucks used primarily or regularly for the transportation of workmen shall be:

(a) Equipped with seats securely fastened to the vehicle.

(b) Equipped with a railing or other suitable enclosure on the sides and end of the vehicle not less than 30 inches above the floor of the vehicle.

(c) Equipped with steps, stirrups or other equivalent devices so placed and arranged that the vehicle may be safely mounted and dismounted.

SEC. 2. Section 686 is added to said code, to read:

Stopping at grade crossings

686. Trucks Transporting Workmen to Stop at Grade Crossings. All such motor vehicles transporting employees in addition to those riding in the cab shall come to a complete stop at all railway grade crossings. The truck shall be stopped at least 10 feet from the nearest rail and shall not proceed until certain that the right of way is clear.

Operative date

SEC. 3 The provisions of this act shall not become operative until January 1, 1954.

CHAPTER 1760

An act to amend Section 12450 of, and to add Sections 9614 and 12146 to, the Education Code, relating to public school employees.

In effect September 9, 1953

[Approved by Governor July 8, 1953 Filed with Secretary of State July 9, 1953]

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

Credentials, life diplomas, etc., issued prior to September 9, 1953

SECTION 1. Section 12450 of the Education Code is amended to read:

12450. All teaching, administrative service and supervisory service credentials, life diplomas, California normal school

diplomas, university documents, normal documents, state teachers college and state college credentials, city, city and county, and county certificates of all grades granted prior to September 9, 1953, not heretofore revoked, shall be continued in full force and effect for the full time for which they were granted and shall be valid for all purposes and to the full extent of time that they were intended to be unless revoked or suspended by the State Board of Education.

SEC. 2. Section 9614 is added to said code, to read:

9614. On and after September 1, 1955, no person shall be employed to teach blind, partially seeing, deaf, hard of hearing, speech handicapped, or orthopedically handicapped minors in a special day or remedial class for such minors who does not hold a valid credential authorizing such teaching.

Teaching blind, deaf, etc., requires credential

SEC. 3. Section 12146 is added to said code, to read:

12146. The minimum standard for each of the following credentials shall be such as may be prescribed by the State Board of Education:

Minimum standards set by board

(a) Credential for teaching the blind;
(b) Credential for teaching the partially seeing;
(c) Credential for teaching the deaf;
(d) Credential for teaching the hard of hearing;
(e) Credential for teaching the speech handicapped; and
(f) Credential for teaching the orthopedically handicapped

Each of these credentials shall authorize such service as may be prescribed by the State Board of Education.

CHAPTER 1761

An act to add Section 72151.5 to the Government Code, relating to appointment of additional deputies and employees of municipal courts.

[Approved by Governor July 8, 1953. Filed with Secretary of State July 9, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 72151.5 is added to the Government Code, to read:

72151.5. In any municipal court in the County of Alameda, if an increase in business of any such court, or other emergency, shall require a greater number of employees in any class of positions for the prompt and faithful discharge of the business of such court than the number expressly provided by law, or shall require the performance of duties of positions in the lowest salary bracket of such class of position where all such positions in such class have been filled, the clerk or the marshal of such court, or both, as the occasion may require, may, with the approval of the judge or judges, appoint as many additional deputies or employees as will enable them to

Alameda County municipal courts Emergency appointments

promptly and faithfully discharge the duties of their respective offices.

Selection of employees, etc.

Such additional deputies or employees 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, or the lowest salary bracket provided for such class of employee, but may hold office by virtue of such appointment not longer than ninety (90) days after the adjournment of the next regular session of the Legislature. No deputy or employee so temporarily appointed shall be eligible for reappointment under the provisions of this section.

CHAPTER 1762

An act to add Section 4004.5 to the Penal Code, relating to keeping of prisoners in city jails.

In effect September 9, 1953

[Approved by Governor July 8, 1953. Filed with Secretary of State July 9, 1953.]

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

SECTION 1. Section 4004 5 is added to the Penal Code, to read:

City jail facilities

4004.5. A city may furnish facilities to be used for holding prisoners held for examination or during trial, without cost to the county or upon such terms as may be agreed upon by the governing body of such city and the board of supervisors, and the marshal or constable may keep such prisoners in their custody in such city jail.

CHAPTER 1763

An act to provide an appropriation for subsidy to local districts and other public agencies for the control of mosquitoes and gnats, and declaring the urgency thereof.

In effect immediately

[Approved by Governor July 8, 1953 Filed with Secretary of State July 9, 1953]

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

Appropriation Mosquito and gnat control

SECTION 1. There is hereby appropriated out of the General Fund in the State Treasury the sum of three hundred thousand dollars ($300,000) in augmentation of Item 404, Section 2, of the Budget Act of 1953, to be expended during the 1953-54 Fiscal Year for subsidies to local districts and other public agencies for the control of mosquitoes and gnats, as provided for by Chapter 5.5 of Division 3 of the Health and Safety Code.

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 effect July 1, 1953. The facts constituting such necessity are: Urgency

During the calendar year 1952 a serious epidemic of infectious virus encephalitis, a mosquito-transmitted disease, occurred in California, in spite of emergency measures taken by the State and local agencies to control it. It is necessary that additional money be available to local districts and other public agencies to enable them to increase the amount of mosquito control work to prevent a similar epidemic in 1953.

CHAPTER 1764

An act to amend Sections 75, 76, and 83 of the Unemployment Insurance Act (Chapter 352 of the Statutes of 1935), to amend Sections 302 and 303, and repeal Section 314 of the Unemployment Insurance Code, relating to administration of unemployment and disability compensation.

[Approved by Governor July 8, 1953. Filed with Secretary of State July 10, 1953.] In effect September 9, 1953

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

SECTION 1. Section 75 of the Unemployment Insurance Act is amended to read:

SEC. 75. (a) The Department of Employment is hereby created in the State Government, and the provisions of this act shall be administered by an executive officer known as Director of Employment. 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 director shall act as chairman of the commission and shall serve as chief of such division as may be designated by 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. Department of Employment. Director

(b) There shall be a deputy director who shall be appointed by the Governor subject to the approval of the Senate. The 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. Deputy director

(c) The director shall appoint such assistants except personnel of the appeals board as he may find necessary for the administration of this act, 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 may consider necessary for the proper administration of this act. Assistants

(d) As used in this act "director" refers to the Director of Employment. The director shall exercise all powers and juris- "Director"

diction, assume and discharge all responsibilities and carry out and effect all purposes vested by law in the commission, and wherever in this act 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 41.3, 43, 61, 91, and 404 of this act shall be retained in the commission and shall be exercised by a majority of its members in meetings open to the public.

SEC. 2. Section 76 of the Unemployment Insurance Act is amended to read:

Work, etc., segregated into divisions

Sec. 76. The work and functions of the department shall be segregated and allotted according to their nature into divisions. One of such divisions shall be designated 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 commission may determine that the exigencies and nature of the work of the department require.

SEC. 3. Section 83 of the Unemployment Insurance Act is amended to read:

California Employment Stabilization Commission

Sec. 83. The California Employment Stabilization Commission hereby created shall consist of five members, who shall be the three members of the appeals board, the director and the deputy director.

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. 7. Sections 4, 5 and 6 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 Sections 75, 76 and 83 of the Unemployment Insurance Act, as amended by this act, are repealed.

CHAPTER 1765

An act relating to the construction of buildings, improvement of grounds, and purchase of equipment for the school for cerebral palsied children, Northern California, and making an appropriation therefore.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

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

Appropriation School for Cerebral Palsied Children, Northern California

SECTION 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of eight hundred sixty-eight thousand, nine hundred twenty dollars ($868,920) to the Department of Education, to be transferred to the Capital Outlay and Savings Fund and expended therefrom, subject to the provisions of the Budget Act of 1953,

for construction, improvements, and equipment, School for Cerebral Palsied Children, Northern California.

CHAPTER 1766

An act to amend Section 19150 of the Health and Safety Code, relating to building stresses.

[Approved by Governor July 8, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 19150 of the Health and Safety Code is amended to read:

Building stress regulations

19150. Every building of any character, except a building to which this chapter does not apply, constructed in any part of this State shall be designed and constructed to resist and withstand horizontal forces from any direction of not less than either of the following, whichever is the greater:

(a) Two percent of the total vertical design load for buildings over 40 feet in height from the top of their foundations, and three percent (3%) of the total vertical design load for buildings less than 40 feet in height from the top of their foundations.

(b) Twenty pounds per square foot of wind pressure on the vertical projection of the exposed surface of every portion of the building more than 60 feet in height, and 15 pounds per square foot of wind pressure on the vertical projection of the exposed surface of every portion of the building 60 feet or less in height.

CHAPTER 1767

An act to amend Section 11172 of the Health and Safety Code, relating to narcotics.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 11172 of the Health and Safety Code is amended to read:

Narcotic prescriptions

11172. Except as provided in Section 11166.12 of this code, no person shall prescribe over a telephone or furnish a narcotic pursuant to a telephone order, except that in an emergency a pharmacist or his employee or responsible agent may deliver a narcotic pursuant to the telephone order of a person authorized to prescribe a narcotic, if the pharmacist, employee or agent is supplied with a prescription for such narcotic before delivery.

The employee or agent shall immediately deliver said prescription to the pharmacist. The pharmacist shall file the prescription within a reasonable time.

CHAPTER 1768

An act to add Section 7714.1 to the Education Code, relating to school building sites.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

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

SECTION 1. Section 7714.1 is added to the Education Code, to read:

Separate application for each site

7714.1. Notwithstanding any other provisions of this chapter, a district which applies for an apportionment for the purchase of a site, which is not a part of a construction project, shall make a separate application for such site.

Applicable provisions

All of the provisions of this chapter apply to such application and apportionment except that:

Exceptions

(a) Any application for the site pursuant to this section which is received by the board shall be transmitted to the Department of Education. If the Department of Education determines that within five years from the date of the application there will be sufficient enrollment in the district to show the need of such site, it may approve the application and refer it to the board which shall either approve or reject the application pursuant to Section 7713. Any provision of Section 7713 inconsistent with this section shall not apply to such application.

(b) Sections 7705 and 7705.1 do not apply.

(c) If the application is approved and an apportionment granted therefor the district shall repay the full amount of such apportionment and the interest thereon. The repayment of the apportionment, and the interest thereon, may be over a period of years, not to exceed 30 years from the first day of January of the fiscal year next succeeding the fiscal year in which such apportionment became final. The number of years allowed for repayment shall be determined by the board at the time it fixes interest on the apportionment. Such repayment is in addition to any other repayment required under this chapter. If the site is subsequently used in a construction project for which an apportionment is received under other provisions of this chapter, the district shall not be required to make any further repayments for site pursuant to this section and the unpaid balance of the apportionment and interest owing on the apportionment for the site pursuant to this section shall be added to the principal amount of the apportionment and accrued interest thereon for the construction project.

CHAPTER 1769

An act to amend Section 18000 of, and to add Section 18002 to, the Government Code, relating to vacation and sick leave for state officers and employees.

[Approved by Governor July 8, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 18000 of the Government Code is amended to read:

18000. The salary fixed by law for each state officer, elective or appointive, is compensation in full for that office and for all services rendered in any official capacity or employment whatsoever, during his term of office, and he shall not receive for his own use any fee or perquisite for the performance of any official duty. The provisions of Section 18005 do not apply to any state officer whose salary is fixed by statute.

Compensation in full

SEC. 2. Section 18002 is added to said code, to read:

18002. Any person who vacates a position in the state civil service to accept appointment by the Governor or by the Legislature to a position or an office for which the salary is fixed by statute and who thereafter is reinstated to his former position as provided by Section 19141 shall be credited only with such accumulated sick leave, and with such unused or accumulated vacation for which he did not receive a lump sum payment, as he was entitled to at the time he vacated the position.

Credit for sick leave, vacation time, upon reinstatement

CHAPTER 1770

An act to amend Sections 11530, 11557, 11712, 11713, 11714, 11715.5, 11715.6, and 11721 of, to add Sections 11501, 11502, and 11710 to, and to repeal Section 11722 of, the Health and Safety Code, relating to narcotics offenses.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 11501 is added to the Health and Safety Code, to read:

11501. Every person who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that said minor shall violate any provision of this division, shall be punished by imprisonment in the state prison for not less than five years.

Soliciting, etc., violation by minor Felony

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been pun-

Prior convictions

ishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than 10 years.

SEC. 2. Section 11502 is added to said code, to read:

Sale, etc., of substances falsely represented to be narcotics Felony

11502. Every person who agrees, consents, or in any manner offers to unlawfully sell, furnish, transport, administer, or give any narcotic to any person, or offers, arranges, or negotiates to have any narcotic unlawfully sold, delivered, transported, furnished, administered, or given to any person and then sells, delivers, furnishes, transports, administers, or gives, or offers, arranges, or negotiates to have sold, delivered, transported, furnished, administered, or given to any person any other liquid, substance, or material in lieu of any narcotic shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 10 years.

SEC. 3. Section 11530 of said code is amended to read:

Marijuana

11530. No person shall plant, cultivate, harvest, dry, or process any Cannabis sativa, also known as indian hemp or marijuana, or any part thereof, or any of the geni of the Lophophora, also known as peyote, or any of the parts thereof.

SEC. 4. Section 11557 of said code is amended to read:

Place of sale, etc

11557. It is unlawful to open or maintain any place for the purpose of unlawfully selling, giving away or using any narcotic.

SEC. 5. Section 11710 is added to said code, to read:

Immunity

11710. All duly authorized peace officers, while investigating violations of this division in performance of their official duties, and any person working under their immediate direction, supervision or instruction, are immune from prosecution under this division.

SEC. 6. Section 11712 of said code is amended to read:

Possession, etc

11712. Any person convicted under this division for having in possession any narcotic, or of violating the provisions of Section 11530 or 11557 shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 10 years.

Previous convictions

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years.

SEC. 7. Section 11713 of said code is amended to read:

Unlawful sale, etc

11713. Any person convicted under this division for transporting, selling, furnishing, administering, or giving away, or

offering to transport, sell, furnish, administer, or give away, any narcotic, shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 15 years.

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in a state prison for not less than five years nor more than 25 years. Previous conviction

SEC. 8. Section 11714 of said code is amended to read:

11714. Every person who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale or peddling any narcotic, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any narcotic to a minor, is guilty of a felony punishable by imprisonment in the state prison for not less than five years. Use of minors

If such a person has been previously convicted of any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than 10 years. Previous convictions

SEC. 9. Section 11715 5 of said code is amended to read:

11715 5. When there is reason to believe that any person arrested for violation of Section 11501, 11502, 11712, 11713, 11714, or 11715, or any offense referred to in those sections, may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters. Aliens

SEC. 10. Section 11715.6 of said code is amended to read:

11715.6 In no case shall any person convicted of violating Section 11501, 11502, 11712, 11713, 11714, or 11715, or of committing any offense referred to in those sections, be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court, if such person has been previously convicted of any offense described in this division except Section 11721, or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division except Section 11721. Probation or suspension of sentence

SEC. 11. Section 11721 of said code is amended to read:

Addicts

11721. No person shall unlawfully use or be addicted to the unlawful use of narcotics. Any person convicted of violating any provision of this section is guilty of a misdemeanor and shall be placed on probation for not more than five years and the court shall sentence the person convicted to not less than 90 days nor more than one year in the county jail as a condition of probation.

Repeal

SEC. 12. Section 11722 of said code is repealed.

CHAPTER 1771

An act to create a flood control district in the County of Sacramento called "Morrison Creek Flood Control District"; to provide for the control and disposition of storm and flood waters and for the protection of waterways, property, public highways and public places in said district from damage from such waters, prescribing the boundaries, organization, operation, management, financing and powers or duties of the district.

In effect September 9, 1953

[Approved by Governor July 8, 1953. Filed with Secretary of State July 10, 1953.]

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

Morrison Creek Flood Control District.

SECTION 1. A flood control district is hereby created in the County of Sacramento to be called the "Morrison Creek Flood Control District," and the boundaries and territory of said district are as follows:

Boundaries

Beginning at the intersection of the north line of Section 2, Township 7 North, Range 4 East, M. D. B. & M., with the easterly boundary of property of Central Pacific Railway Company (formerly Sacramento Southern Railroad Company); thence east along the city limits of City of Sacramento and along the north line of Sections 2 and 1, Township 7 North, Range 4 East, and the north line of Sections 6 and 5, Township 7 North, Range 5 East, to the center line of Franklin Boulevard; thence northerly along the center line of Franklin Boulevard to the south line of Section 30, Township 8 North, Range 5 East; thence east along the south line of Sections 30 and 29, Township 8 North, Range 5 East, to the southeast corner of Camellia Park, the official plat of which is recorded in the office of the Recorder of Sacramento County in Book 11 of Maps, Map No. 15; thence north along the east line of said Camellia Park and along the east line of Pacific Heights Subdivision, the official plat of which is recorded in the office of the Recorder of Sacramento County in Book 18 of Maps, Map No 53, to the center line of Fruitridge Road; thence east along the center line of Fruitridge Road and along the city limits of City of Sacramento to the northwest corner of Young's Subdivision, the official plat of which is recorded in the office of the Recorder of Sacramento County in

Book 23 of Maps, Map No 26; thence southerly and easterly along the city limits of City of Sacramento to the southwest corner of Section 23, Township 8 North, Range 5 East; thence north along the west line of said Section 23 and along Power Inn Road to the center line of the track of the Southern Pacific Railroad; thence northerly along said center line of track to the north line of Section 22, Township 8 North, Range 5 East; thence east along the north line of Sections 22 and 23, Township 8 North, Range 5 East, to the northeast corner of said Section 23; thence south along the east line of said Section 23 to the northwest corner of the southwest quarter of the northwest quarter of Section 24, Township 8 North, Range 5 East; thence east along the north line of the southwest quarter of the northwest quarter, the southeast quarter of the northwest quarter and the southwest quarter of the northeast quarter of said Section 24; thence south along the east line of the southwest quarter of the northeast quarter of said Section 24 to the southeast corner of the southwest quarter of the northeast quarter of said Section 24; thence east along the north line of the south half of said Section 24, and along the north line of the south half of Section 19, Township 8 North, Range 6 East, to the east quarter corner of said Section 19; thence north along the east line of said Section 19 to the center line of Jackson Road; thence southeasterly along the center line of Jackson Road to a point on the line dividing the west half of Section 20, Township 8 North, Range 6 East, into east and west halves; thence north along said dividing line to the north line of said Section 20; thence east along the north line of said Section 20 to the southwest corner of the southeast quarter of the southeast quarter of Section 17, Township 8 North, Range 6 East; thence north along the line dividing the southeast quarter of said Section 17 into east and west halves to the center line of Middle Jackson Road; thence southeasterly along the center line of Middle Jackson Road to the center line of Walsh Station Road; thence north along the center line of Walsh Station Road to the southwest corner of that certain parcel of land lying in the Rancho Rio De Los Americanos, conveyed by Frank G. Snook, et al., to Masateru Hashimoto in that certain deed recorded in the office of said county recorder, September 26, 1931, in Book 350 of Official Records, page No. 391; thence easterly and northerly along the southerly and easterly lines of the lands so conveyed, and along the west line of Los Americanos Acres, the official plat of which is recorded in the office of the Recorder of Sacramento County in Book 11 of Maps, Map No 23, to the northwest corner of Lot 7 as shown on said plat of Los Americanos Acres, thence easterly along the north line of said Lot 7 and Lot 8 as shown on said plat to the east line of said Los Americanos Acres, thence north along said east line to the center line of the Old Placerville Road; thence northeasterly along the center line of Old Placerville Road to the north line of Lot 4 in Block 10, as shown on the official plat of Natomas Consolidated of California Subdivision No 2, recorded in the office

of the Recorder of Sacramento County in Book 14 of Maps, Map No. 20; thence east along the north line of Lots 4 and 5 in Block 10, and Lot 6 in Block 11 of said Natomas Consolidated of California Subdivision No. 2, to the east line of said Block 11; thence north along the east line of said Block 11 to the south line of Block 9 in said Natomas Consolidated of California Subdivision No. 2; thence east along the south line of said Block 9 to the east line of said Natomas Consolidated of California Subdivision No. 2; thence north along said east line to the center line of Whiterock Road; thence east along the center line of Whiterock Road to the intersection of said Whiterock Road with the northerly production of the east line of Section 3, Township 8 North, Range 7 East; thence south along said northerly production and along the east line of Sections 3 and 10, Township 8 North, Range 7 East, to the southeast corner of said Section 10; thence west along the north line of Section 15, Township 8 North, Range 7 East, to the northwest corner of said Section 15; thence south along the west line of said Section 15 to the southwest corner of said Section 15; thence west along the south line of Sections 16 and 17, Township 8 North, Range 7 East, to the south quarter corner of said Section 17; thence south along the east line of the northwest quarter of Section 20, Township 8 North, Range 7 East, to the center of said Section 20; thence west along the south line of the northwest quarter of said Section 20 to the west quarter corner of said Section 20; thence south along the east line of Section 19, Township 8 North, Range 7 East, to the southeast corner of said Section 19; thence west along the south line of said Section 19 and along the south line of Section 24, Township 8 North, Range 6 East, to the southeast corner of the southwest quarter of the southwest quarter of said Section 24; thence north along the line dividing the southwest quarter of said Section 24 into east and west halves to the northeast corner of the northwest quarter of the southwest quarter of said Section 24; thence west along the north line of the northwest quarter of the southwest quarter of said Section 24 to the center line of said Middle Jackson Road; thence northwesterly along said center line of Middle Jackson Road to the line dividing the east half of Section 23, Township 8 North, Range 6 East, into east and west halves; thence south along said dividing line to the southeast corner of the northwest quarter of the southeast quarter of said Section 23; thence west along the line dividing the south half of said Section 23 into north and south halves to the northwest corner of the southwest quarter of the southwest quarter of said Section 23; thence south along the east line of Sections 22 and 27, Township 8 North, Range 6 East, to the center line of said Jackson Road; thence northwesterly along the center line of Jackson Road to the easterly boundary of that certain parcel of land lying in the east half of said Section 27, conveyed by Clyde A. Mastin to John F. Craig by the deed recorded in the office of said County Recorder in Book 1361-A of Official Records, page No. 119; thence south along said easterly

Same

boundary to the south line of said Section 27; thence west along the south line of Sections 27, 28 and 29, Township 8 North, Range 6 East, to the southwest corner of said Section 29; thence south along the east line of Section 31, Township 8 North, Range 6 East, to the southeast corner of the northeast quarter of the southeast quarter of said Section 31; thence west along the line dividing the southeast quarter of said Section 31 into north and south halves, to the southwest corner of the northwest quarter of the southeast quarter of said Section 31; thence south along the west line of the southwest quarter of the southeast quarter of said Section 31 to the south line of said Section 31; thence west along the south line of said Section 31 to the southwest corner of said Section 31; thence south along the east line of Section 1, Township 7 North, Range 5 East, to the east quarter corner of said Section 1; thence west along the lines dividing Sections 1, 2 and 3, Township 7 North, Range 5 East, into north and south halves to the center of said Section 3; thence south along the east line of Harkins Acres, the official plat of which is recorded in the office of the Recorder of Sacramento County in Book 15 of Maps, Map No. 34, to the southeast corner of said Harkins Acres; thence west along the south line of said Harkins Acres to the center line of Stockton Boulevard; thence southeasterly along said center line of Stockton Boulevard to the south line of said Section 3; thence west along the south line of Sections 3, 4 and 5, Township 7 North, Range 5 East, to the center line of said Franklin Boulevard; thence southeasterly along the center line of Franklin Boulevard to the south line of Section 8, Township 7 North, Range 5 East; thence west along the south line of said Section 8 to the west boundary of property of Western Pacific Railroad; thence southerly along said west line of railroad property to the north boundary of Reclamation District No. 1002; thence west along the north boundary of Reclamation District No. 1002 to the east line of property of Sacramento Southern Railroad Company; thence northerly along said east line of railroad property to the point of beginning.

SEC. 2. As used in this act:

"District" means the Morrison Creek Flood Control District. "District"

"Board" means the board of directors of the district. "Board"

SEC. 3. The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical, for the control and disposition of the storm and flood waters of said district and to that end the district is hereby created to be a body corporate and politic and as such shall have power: Objects and purposes Powers General

(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.

(d) To take by grant, purchase, gift, devise or lease; to hold, use, enjoy, sell, and contract to sell, lease, or dispose of Acquisition of property

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.

Eminent domain

(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.

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.

Injunctions, etc.

(g) To compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, pole, conduit, conduit line, cable, 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. The cost of removing, altering or relocating any bridge, trestle, wire line, pole, conduit, conduit line, cable, viaduct, embankment, or other structure shall be borne by the district and 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.

Construction, maintenance, etc

(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,

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.

(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. Incur indebtedness

(j) To cause ad valorem assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided. Assessments

(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. Employees

The board shall have the power to combine any two or more offices in its discretion.

(*l*) 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. Contracts with other agencies

(m) To lease or rent to or from any of the parties named in subdivision (*l*) 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. Leases

(n) To receive and accept any and all contributions in labor, material or money from any of the parties named in subdivision (*l*) of this section, to be applied to the work or improvement herein provided for Receive contributions

(o) 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 conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within 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. Flood control

Cooperation with other agencies

(p) 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 any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with any municipality, or with the County of Sacramento, 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.

Surveys, etc

(q) 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 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 the district; to acquire the right to store storm and flood water in reservoirs, or to carry such 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 such water secured in connection with its activities, for the use of the district.

Directors of district

SEC. 4. The Board of Supervisors of Sacramento County shall act, ex officio, as board of directors of the district and shall have and exercise all the powers and duties herein prescribed for that board. Each member of the board of supervisors shall serve without additional compensation for acting as member of the board of the district, but shall be allowed his actual, necessary, and reasonable traveling expense incurred in carrying out his duties in such capacity.

Interest in contracts

SEC. 5. No director 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 therefrom; and for any violation of this provision, such person shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit his office. This section shall not be construed to apply to any contract made with a corporation for its general benefit where such a director is a minority stockholder therein.

SEC. 6. The Sacramento County Clerk, County Assessor, County Tax Collector, County Auditor, County Treasurer, County Surveyor, District Attorney, their assistants, deputies, clerks and employees shall be ex officio such officers, assistants, deputies, clerks and employees respectively of the district, and shall respectively perform, unless otherwise provided by said board, without additional compensation, the same various duties for the district as for the county in order to carry out the provisions of this act. Ex officio officers, etc., compensation

SEC. 7. All ordinances, resolutions and other legislative acts for said district shall be adopted by the board, 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. Adoption of ordinances, etc

The initiative and referendum powers are hereby granted to the electors of the district to be exercised in relation to the enactment or rejectment of district ordinances in accordance with the procedure established by the laws of the State for the exercise of such powers in relation to counties. Initiative and referendum powers

SEC 8. Claims against the district shall be prepared, presented, audited and allowed or disallowed in the same manner and within the periods of time specified in the laws of the State of California, now or hereafter enacted, for the preparing, presenting, auditing, and allowance or disallowance of claims against the county. Claims against district

SEC. 9. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is authorized to hold, use, acquire, manage, occupy and possess said property, as provided herein if the board determines by resolution duly passed and entered in their minutes, that any district property, real or personal, is no longer necessary to be retained for the uses and purposes of the district, it may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties, except that the title to real property shall not be conveyed or alienated except by a vote of the electors at an election held for that purpose. Legal title to property

SEC 10. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of three thousand dollars ($3,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board shall advertise by three insertions in a daily newspaper of general circulation or two insertions in a weekly newspaper of general circulation published in the district inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of the Letting contracts in excess of $3,000

claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code, and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids, in which case the board may advertise for new bids. In the event no proposals are received pursuant to advertisement therefor, where the estimated cost of such work does not exceed the sum of three thousand dollars ($3,000) or where the work consists of emergency work necessary in order to protect life and property, the board, by unanimous vote of all members present, may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertisement for bids thereof, materials and supplies for use in any work therewith either under contract or by force account; 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.

Emergency work

Exception

The provisions of this section shall have no application to a contract entered into with the United States under the authority of Section 3, or to a contract authorized by a vote of the electorate of the district.

Indebtedness limited

SEC. 11. The district shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable.

Exception

This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act, authorizing the issuance of bonds, the execution of contracts, with the United States nor to the incurring of any indebtedness or liability authorized by a vote of the electors of the district at an election held for such purpose.

Taxes

SEC. 12. The board in any year shall have the power to levy an ad valorem assessment, which shall be in addition to ad valorem assessments for the payment of and interest on any bonded indebtedness, upon the real property in said district. Said ad valorem assessment 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 five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of all real property within the district, measured by the county assessment roll last equalized prior to the levying of said ad valorem assessment, to pay the costs and expenses of surveys, of zoning, 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 proceed-

ings, 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 ad valorem assessments.

Estimated cost of construction Report

SEC 13 The board may estimate and determine the amount of money necessary to be raised to construct or purchase necessary works and acquire the necessary property and rights therefor and otherwise carry out the provisions of this act.

For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, the board may cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate.

In the estimate of the amount necessary to be raised, the board may include a sum sufficient to pay the interest on the bonds to be issued for a period of three years or less. All such surveys, examinations, drawings, and plans shall be made under the direction of the engineer of the district and shall be certified by him. After receiving such report the board may determine and declare by resolution whether or not the proposed plan of work is satisfactory and whether or not the project, as set forth in said report, is feasible, and if so, may make an order determining the amount of bonds that should be issued in order to raise the amount of money necessary therefor, and in determining said amount, sufficient shall be included to cover the cost of inspection of works in course of construction.

Special election.

SEC. 14. 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 two propositions:

Propositions

1 Shall the report adopted by the board be ratified?

2. Shall the district incur a bonded indebtedness for the purpose of providing for the 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, and for any other purpose set forth in Section 3 hereof?

Contents of resolution

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 ratification of the report adopted by the board, and for and against the incurring of such indebtedness

Precincts, etc

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 applicable

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.

Voters

At such election all persons whose names appear on the last great register of County of Sacramento 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 sufficient publication in such newspaper published less than six days a week. No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

Election results

If at such election two-thirds or more of the votes are cast in favor of ratifying the adoption of the report by the board and the incurring of such bonded indebtedness, then the bonds of said district, for the amounts stated in such proceedings, may be issued and sold as provided in this act.

Failure to receive passing vote

SEC. 15. Should the proposition be submitted to the electorate as provided in Section 14 fail to receive the requisite number of votes of the qualified electors voting at such election for the purposes specified, the board shall not for one year after such election call or order another election in the district for the same purposes.

Bonds Form, etc

SEC. 16. 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 40 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.

Denomination, interest, etc

SEC. 17 The bonds shall be issued in such denominations as the said 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). The bonds shall be payable on the day and at the place or places fixed therein, and with interest specified therein, which interest shall be payable semiannually, except the interest for the first year which may be paid in one installment. The bonds shall be signed by the chairman of the board or such other member of the board as the board may, by resolution, designate, and countersigned by the treasurer of the district, and the seal of said

district shall be affixed thereto. The interest coupons of the bonds shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, the 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.

Action to determine bond validity

SEC. 18 At any time prior to the sale and delivery of the bonds, an action may be commenced by the board in the name of the district in the Superior Court of the State of California, in and for the County of Sacramento, to determine the validity of any of the bonds. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some newspaper of general circulation published in Sacramento County, such paper to be designated by the court having jurisdiction of the proceedings or by the judge thereof. A summons shall be issued in such action which summons besides the matters required by Section 407 of the Code of Civil Procedure shall contain a statement that the action is brought to determine the validity of bonds of the district to the amount stated therein. Jurisdiction shall be complete within 10 days after the full publication of such summons in the manner herein provided Anyone interested may at any time before the expiration of said 10 days appear and by proper proceedings contest the validity of such bonds. The action shall be given precedence in hearing and trial over all other civil actions or proceedings in such court and judgment shall be rendered therein declaring said bonds either valid or invalid Either party may have the right to appeal to the Supreme Court at any time within 30 days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. Any action or proceeding commenced by any party other than the board to contest or in any manner interfere with the validity or disposition of said bonds must be tried in the Superior Court of the State of California, in and for the County of Sacramento, and if the action or proceeding shall be commenced by the board as provided in this section, then no other such action or proceeding shall be thereafter commenced by any party or parties other than the board The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of the bonds must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to all actions or proceedings herein provided for.

Sale of bonds, notice, etc

SEC. 19. The board shall issue and sell the whole or any part of the bonds to the highest bidder or bidders for cash at

the best price obtainable therefor, but in no event for less than the par value of such bonds and the accrued interest thereon. Before making a sale of any of the bonds, notice of the sale shall be given by publication in at least one newspaper of general circulation, published in the district by two insertions therein; and no sale shall be had prior to the expiration of 15 days from the first publication of the notice. The board shall have the right to reject any and all bids when in its discretion it appears to the best interest of the district to do so, and may thereafter readvertise as provided in this section for original 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.

Investment of sinking fund moneys

SEC. 20. Whenever the district shall have any moneys in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded indebtedness, which money is not immediately required for the purpose of making such payment, the same or any part thereof may be invested temporarily in any bonds already issued by such district or in any bonds of the United States of America or the State of California Such investment may be made by direct purchase of any issue of bonds of the district or any part thereof at the original sale of such bonds or by the purchase of such bonds after they have been so issued. Any bonds so purchased and held in any such sinking fund may from time to time be sold and the proceeds temporarily reinvested in bonds as above provided. Sales of any bonds so purchased and held in the sinking fund shall, from time to time, be made in season so that the proceeds may apply to the purpose for which the sinking fund was created except that if such moneys shall not be required for the purpose of paying the interest or any part of the principal of the outstanding bonds, the bonds of the district purchased from such moneys may be canceled by the treasurer of said district upon order by the board. After such cancellation such bonds shall cease to be an obligation of the district for any purpose whatsoever.

Payment of interest, etc.

SEC. 21. Bonds issued under this act shall be, by their issuance, conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations had or made under this act. No error, defect, irregularity, informality and no neglect or omission of any officer of the district in any procedure, taken hereunder, which does not affect the jurisdiction of the board to order the doing of the thing or things proposed to be done, shall void or invalidate such proceedings or any bonds issued thereunder. The bonds and the interest thereon shall be paid by revenue derived from an annual ad valorem assessment upon the real property within the district, and all the real property in the district shall be and remain liable to be assessed for such payments as hereinafter provided

SEC. 22. Any bonds which shall be issued under the provisions of this act, shall be legal investments for all trust funds, and for the funds of insurance companies, banks, both commercial and savings, and trust companies, and for state school funds. Whenever any money or funds may be, by any law now or hereafter enacted, invested in bonds of cities, cities and counties, counties, school districts or irrigation districts, within the State of California, such money or funds may be invested in the bonds issued under this act. Whenever bonds of cities, cities and counties, counties, school districts or irrigation districts within this State may be, by any law now or hereafter enacted, used as security for the performance of any act or the deposit of any public moneys, the said bonds issued under this act may be so used. Legal investments

SEC. 23. All proceeds received from the sale of the bonds hereunder shall be deposited with the County Treasurer of the County of Sacramento, 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. Deposit of proceeds

SEC. 24. The board may, with the consent of any holder or holders of outstanding bonds of the district, exchange refunding bonds bearing a lower rate of interest for such outstanding bonds. Exchanging refunding bonds

Whenever any holder of outstanding bond or bonds shall have consented to such exchange, the board may, by resolution entered in its minutes, order the refunding of such bonds. The resolution shall designate the numbers, denominations, dates of maturity and aggregate principal amounts of the bonds so to be refunded and shall provide for the issuance of refunding bonds in exchange therefor, the form, numbers, denominations, dates of maturity and aggregate principal amounts of which shall be the same as the bonds so to be refunded. The resolution shall also fix the rate of interest said refunding bonds shall bear, which rate shall be less than the rate provided in the bonds to be refunded. The resolution shall also fix the form of the interest coupons attached to said refunding bonds, which shall be the same as the bonds so to be refunded, excepting that the rate and amounts of interest shall be less as hereinabove provided.

The refunding bonds shall be signed by the chairman of the board or such other member of the board as said board may by resolution designate, and shall be countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any officer whose signature or countersignature appears on said 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 refunding bond may be exchanged for its corresponding outstanding bond as the board by agreement with the holder of such outstanding bond may determine, except that in effecting such exchange, any and all matured coupons on said refunding bonds shall be detached and canceled and the principal and accrued interest of both issues shall be accepted at par value and the district shall pay said holder in cash out of moneys in the bond interest fund of the district an amount equal to the difference between the interest on the outstanding bond and on the refunding bond accrued to the date of such exchange.

When any refunding bonds shall have been exchanged, taxes shall be levied and collected to pay the principal and interest thereof as provided by Section 25, all the provisions of which section shall apply to said refunding bonds to the same extent as to original issues.

The refunding bonds shall also be legal investments for fiduciaries and others as provided in Section 22.

Ad valorem assessment to pay interest, etc.

SEC. 25. The board shall at the time for fixing the general tax levy for county purposes and in the manner of such general 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, an ad valorem assessment 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 ad valorem assessment 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, ad valorem assessment 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 ad valorem assessment herein required to be levied and collected shall be in addition to all other ad valorem assessments levied for district purposes and shall be collected at the time and in the same manner as other district assessments are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Such ad valorem assessment shall be levied upon all real property 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.

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.

The board shall, on or before the first weekday in September, or if such weekday falls upon a holiday, then upon the first business day thereafter, fix the rate of ad valorem assessment and designate the number of cents upon each one hundred dollars ($100) on the equalized roll, which rate of assessment 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 ad valorem assessment so fixed. The board must immediately thereafter transmit to the county auditor a statement of the rate of assessments so fixed by said board and the county auditor shall enter such rate upon the county tax roll Such ad valorem assessments 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.

Assessments as liens

All assessments levied under the provisions of this act shall be a lien upon the real property on which they are levied and unless the board has by resolution otherwise provided the enforcement of the collection of such ad valorem assessments 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.

Compensation to county

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 the board, except that such compensation shall not exceed 1 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 general fund.

District validly created for taxation purposes

SEC 26. Notwithstanding Sections 54900 to 54903, inclusive, of the Government Code, the district is validly created for the purposes of taxation.

1953-1954 Fiscal Year

For the Fiscal Year 1953-1954, but for no other fiscal year, notwithstanding Section 25 of this act, the assessment and equalization of property for the purpose of district taxation shall be effected as provided in this section

Assessments of the district for the Fiscal Year 1953-1954 are liens on the real 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.

It is presumed that the assessments of real 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 real 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 assessment payer affected to the assessing authority, suitable entry shall be made on the assessment roll, in the manner prescribed by the State Board of Equalization, to indicate such change in the ownership or taxability or value of the property for purposes of assessment by the district.

In equalizing the assessments made by the county assessor, the Board of Supervisors of Sacramento 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 real 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 assessment by the district, a change in the assessment for county taxation purposes is not sought under this section before the end of the period during which such assessment may be equalized, or corrected on a petition for reassessment, such assessment, if valid for county taxation purposes, is conclusively presumed to be the correct assessment for assessment purposes of the district.

The board may prescribe by ordinance any necessary procedure, in accordance with the policy of this act, for the purpose of assessing, equalizing, levying, and collecting assessments for the district for the Fiscal Year 1953-1954. Except as provided in this section, Section 25 of this act is applicable to the assessment and equalization of real property for the purpose of district assessments for the Fiscal Year 1953-1954.

Expenditure of ad valorem revenue

SEC. 27. After the first bond election in the district at which bonds shall be authorized by the electors of said district the board shall have power, in any year, to levy an ad valorem assessment upon the real property in said district as provided in Section 25 at the time and in the manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any work or improvement of said district for the ensuing fiscal year. The board shall have power to control and order the expenditures for said purposes of all revenue so derived, except that ad valorem assessments levied under this section for any one year shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of the real property in said district as said assessed valuation is shown on the last preceding assessment records for state and county pur-

poses. Such assessment shall be in addition to any assessment levied to meet the bonded indebtedness of said district and all interest thereon.

Bonds, etc., not invalid for error in computation

SEC. 28 The provisions of this act relative to the performance of official duty as to any time or place, the form of any resolution, notice, order, list, certificate of sale, deed or other instrument shall be deemed directory. No bond, coupon, assessment, or installment thereof, or of the interest or penalties thereon, or certificate of sale or deed shall be held invalid for error in the computation of the proper amount due on the same; provided, the error be found to be comparatively negligible or be found to be one in favor of the owner of the property affected thereby.

Liberal construction

SEC 29 This act shall be liberally construed to the end that the purposes may be effective. No error, irregularity, informality and no neglect or omission of any officer of the district in any procedure taken hereunder which does not directly affect the jurisdiction of the board to order the work done or improvement to be made shall void or invalidate such proceedings or any assessment for the cost of work or improvement done thereunder.

Separability clause

SEC. 30. 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

Short title

SEC. 31. This act shall be known as the "Morrison Creek Flood Control District Act"

CHAPTER 1772

An act to add Section 475.5 to the Agricultural Code, relating to sterilized table cream.

[Approved by Governor July 9, 1953 Filed with Secretary of State July 10, 1953]

In effect September 9, 1953

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

SECTION 1 Section 475.5 is added to the Agricultural Code, to read:

Minimum milk fat content

475.5. Notwithstanding the provisions of Section 455 and 475 it shall be lawful to manufacture and process sterilized table cream for use outside of California with a minimum milk fat content of 18 percent.

CHAPTER 1773

An act to add Sections 12264 and 69844.5 to the Government Code, relating to the photographic reproduction of public records.

[Approved by Governor July 9, 1953 Filed with Secretary of State July 10, 1953]

In effect September 9, 1953

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

SECTION 1. Section 12264 is added to the Government Code, to read:

Reproduction of public records Microfilming authorized

12264. The public records of any state agency may be microfilmed or otherwise photographically reproduced and certified on the written authorization of the head of the agency. The microfilming or photographic reproduction must meet the standard specification of the United States Bureau of Standards.

The certification of each such reproduction or set of reproductions shall be in accordance with the standards, or have the approval, of the Attorney General. The certification shall contain a statement of the identity, description, and disposition or location of the records reproduced, the date, reason, and authorization for such reproduction, and such other information as the Attorney General requires.

Such certified photographic reproductions shall be deemed to be original public records for all purposes, including introduction in courts of law and state agencies.

SEC. 2. Section 69844 5 is added to said code, to read:

Court records Microfilming authorized

69844 5 The clerk of the superior court may, in lieu of minute books, judgment books and orders and decrees, photograph, microphotograph or photocopy all superior court minutes, judgments, orders and decrees.

Such photograph, microphotograph or photocopy shall be made in such manner and on such paper as will comply with the minimum standards of quality approved therefor by the National Bureau of Standards.

Every such reproduction shall be deemed and considered an original; and a transcript, exemplification, or certified copy of any such reproduction shall be deemed and considered a transcript, exemplification, or certified copy, as the case may be, of the original.

All such photographs, microphotographs and photocopies shall be properly indexed and placed in convenient, accessible files. Each roll of microfilm shall be deemed and constitute a book, and shall be designated and numbered, and provision shall be made for preserving, examining, and using it.

Duplicates

A duplicate of each roll of microfilm shall be made and kept in a safe and separate place.

CHAPTER 1774

An act to amend Sections 19800 and 19803 of the Business and Professions Code, relating to weights of bread.

In effect September 9, 1953

[Approved by Governor July 9, 1953 Filed with Secretary of State July 10, 1953]

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

SECTION 1. Section 19800 of the Business and Professions Code is amended to read:

Minimum weights Loaves of bread

19800 All loaves of bread, sliced or unsliced, made or procured for the purpose of sale, sold, offered or exposed for sale

in the State of California shall weigh, until 24 hours after baking, within the limits hereinafter set out, for standard loaves and standard large loaves, as herein defined; provided, however, that larger loaves having weights that are multiples of the mean weight of a standard loaf weight may be made or procured for sale to restaurants, caterers, sandwich makers, hotels, commissaries, institutions, or other public eating places. The total tolerance in excess or deficiency for each of such larger weight loaf shall not exceed two ounces.

SEC. 2. Section 19803 of said code is amended to read:

"Twin loaves" permitted

19803. Bread commonly known as "twin loaves" may be made or procured for the purpose of sale, sold, offered or exposed for sale, providing each unit of such twin loaf conforms to the standard weights as herein defined for standard loaf and standard large loaf.

CHAPTER 1775

An act to amend Sections 3440 and 3440.1 of the Civil Code, relating to the transfer, sale or assignment of stock in trade, in bulk.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 3440 of the Civil Code is amended to read:

Transfers, liens deemed fraudulent. No delivery

3440. Every transfer of personal property and every lien on personal property made by a person having at the time the possession or control of the property, and not accompanied by an immediate delivery followed by an actual and continued change of possession of the things transferred, is conclusively presumed fraudulent and void as against the transferor's creditors while he remains in possession and the successors in interest of those creditors, and as against any person on whom the transferor's estate devolves in trust for the benefit of others than the transferor and as against purchasers or encumbrancers in good faith subsequent to the transfer.

Exceptions

This section shall not apply to any of the following:

(a) Things in action.

(b) Ships or cargoes at sea or in a foreign port.

(c) Mortgages allowed by law, and contracts of bottomry or respondentia.

(d) Wines or brandies in the wineries, distilleries, or wine cellars of the makers or owners of the wines or brandies, or other persons having possession, care, and control of the wines or brandies, and the pipes, casks, and tanks in which the wines or brandies are contained, if the transfers are made in writing and executed and acknowledged in the same form as provided for chattel mortgages, and if the transfers are recorded in the book of official records in the office of the county recorder of the

county in which the wines, brandies, pipes, casks, and tanks are situated.

(e) The transfer, or assignment, statutory or otherwise, made for the benefit of creditors generally or by any assignee acting under an assignment for the benefit of creditors generally, or to any mortgage or chattel mortgage made for the benefit of creditors generally.

(f) Property exempt from execution.

SEC. 2. Section 3440.1 of said code is amended to read:

Transfer in bulk deemed fraudulent:

3440.1. The sale, transfer or assignment of a stock in trade, in bulk, or a substantial part thereof, other than in the ordinary course of trade and in the regular and usual practice and method of business of the vendor, transferor, or assignor, and the sale, transfer, assignment, or mortgage of the fixtures or store equipment of a baker, cafe or restaurant owner, garage owner, machinist, cleaner and dyer, or retail or wholesale merchant, is conclusively presumed fraudulent and void as against the existing creditors of the vendor, transferor, assignor, or mortgagor, unless before the consummation of the sale, transfer, assignment, or mortgage, the vendor, transferor, assignor, or mortgagor, or the intended vendee, transferee, assignee, or mortgagee does all of the following:

Exceptions

(a) Records at least 10 days before the consummation of the sale, transfer, assignment, or mortgage, in the office of the county recorder in the county or counties in which the stock in trade, fixtures, or equipment are situated, a notice of the intended sale, transfer, assignment, or mortgage, which states the name and address of the intended vendor, transferor, assignor, or mortgagor and the name and address of the intended vendee, transferee, assignee, or mortgagee. The notice shall contain a general statement of the character of the merchandise or property intended to be sold, assigned, transferred, or mortgaged, and show the date and place where the purchase price or consideration is to be paid.

(b) Publishes at least once a copy of the notice in a newspaper of general circulation published in the judicial district in which the stock in trade, fixtures, or equipment are situated, if there is one, and if there is none in the judicial district, then in a newspaper of general circulation in the county embracing the judicial district. The publication shall be completed not less than five days before the date of the intended sale, transfer, assignment, or mortgage.

If the intended sale is to be at public auction, the notice required to be recorded and published shall state that fact, and the time, terms, and place of auction, the names and addresses of the vendor and auctioneer and a general statement of the character of the merchandise or property intended to be sold.

The sale shall not occur within 10 days from the recordation of the notice.

Any auctioneer selling the stock in trade or fixtures and store equipment of a baker, cafe or restaurant owner, garage owner, machinist, cleaner and dyer, or retail or wholesale merchant,

is personally liable for all damages incurred by any creditor of the merchant if the notice is not recorded and published as required by this section.

The provisions of this section shall not apply or extend to:

(a) Any sale, transfer, or assignment of a stock in trade or to any sale, transfer, assignment or mortgage of the fixtures, or store equipment, of a baker, cafe or restaurant owner, garage owner, machinist, cleaner and dyer, or retail or wholesale merchant, made under the direction or order of a court of competent jurisdiction or by any executor, administrator, guardian, receiver, or other officer or person acting in the regular and proper discharge of official duty, or in the discharge of any trust imposed upon him by law.

(b) Any transfer or assignment, statutory or otherwise, made for the benefit of creditors generally, nor by any assignee acting under such an assignment for the benefit of creditors generally nor to any mortgage or chattel mortgage made for the benefit of creditors generally.

(c) Any sale, transfer, assignment or mortgage of any property exempt from execution.

(d) Any sale, transfer, or assignment of wines or brandies in the wineries, distilleries, or wine cellars of the makers or owners of the wines or brandies, or other persons having possession, care, and control of the wines or brandies, and the pipes, casks, and tanks in which the wines or brandies are contained, if the sales, transfers, or assignments are made in writing and executed and acknowledged in the same form as provided for chattel mortgages, and if the sales, transfers, or assignments are recorded in the book of official records in the office of the county recorder of the county in which the wines, brandies, pipes, casks, and tanks are situated.

CHAPTER 1776

An act to amend Section 306.5 of the Unemployment Insurance Act, and to amend Section 3125 of the Unemployment Insurance Code, relating to the investment of funds in the Unemployment Compensation Disability Fund for the construction and equipment of buildings, offices and facilities for the primary use of the Department of Employment.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 306.5 of the Unemployment Insurance Act is amended to read:

Buildings for Department of Employment; Authorized and limited

Sec. 306.5. Notwithstanding any other provision of law, 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 Employ-

ment as a central office in Sacramento as herein provided. 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 be deemed to constitute a part of the investment made under this section. 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).

Any buildings or facilities provided under this section shall be primarily for the occupancy of the Department of Employment and, until such time as the investment is repaid as herein provided, shall be subject to the administration and supervision of the Department of Employment in accordance with rules and regulations which shall be established by said department with the approval of the Department of Finance. Such rules and regulations shall be comparable to those for the administration and supervision of other state-owned buildings.

Allocation to agencies of department

The director shall allocate space to the agencies and services comprising the department. Any buildings or facilities provided under this section 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

For all space allocated by the director to the agencies and services comprising the department, or otherwise leased or let by the director under this section, 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 section 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.

Effect of repayment

When the money invested under the provisions of this section for the providing and equipment of buildings or facilities has been repaid to the Disability Fund together with interest as provided herein, the jurisdiction and control of any such buildings or facilities, and the operation and management thereof,

shall vest, and shall thereafter be vested, in the Department of Finance; provided, however, 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.

The construction of buildings and facilities under this section shall be subject to the provisions of the State Contract Act.

NOTE: The section of the Unemployment Insurance Code affected by this chapter appears in its 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 306.5 of the Unemployment Insurance Act amended by this act is repealed. Effect Stats 1953, Ch 308

CHAPTER 1777

An act to add Section 54129.5 to the Government Code and to amend Section 2 of Chapter 21 of the Statutes of 1952 (Second Extraordinary Session), relating to state assistance for the restoration, repair, and reconstruction of public works damaged or destroyed by earthquakes, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1953 Filed with Secretary of State July 10, 1953] In effect immediately

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

SECTION 1. Section 54129.5 is hereby added to the Government Code, to read as follows:

54129.5. In the event that the board loans funds to a local agency, the board may waive any provisions of Section 54127 it deems are not applicable to or feasible for use in connection with such loans. Waiver

SEC. 2. Section 2 of Chapter 21 of the Statutes of 1952 (Second Extraordinary Session) is hereby amended to read:

Sec. 2. The sum of three million dollars ($3,000,000) is appropriated from the General Fund to carry out the purposes of Article 4.5, Chapter 5, Part 1, Division 2, Title 5 of the Government Code during the 1952-1953, 1953-1954 and 1954-1955 Fiscal Years. Any money appropriated by this act for allocation to local agencies for which an application is not made before December 31, 1954, shall revert to the General Fund; provided, that any sums allocated prior to that date or for which an application has been filed shall remain available for expenditure until the public works project for which the allocation was made has been completed and the cost thereof paid Appropriation

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within Urgency

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

Inasmuch as the act cited in the title was adopted as an emergency measure, and it appears that the sections cited in Section 54127 are largely applicable to instances where the board replaces, repairs, or reconstructs public facilities damaged by earthquake, in order to clarify procedures and thereby facilitate the earliest possible administration of the act cited in title hereto, it is necessary that this act go into effect immediately.

CHAPTER 1778

An act to amend Sections 1, 2, 4.3, 5, 5.1, 5.2, 9.1 and 10.1 of, and to add Section 5.9 to, the Solano County Flood Control and Water Conservation District Act (Chapter 1656 of the Statutes of 1951), relating to the Solano County Flood Control and Water Conservation District.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

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

SECTION 1. Section 1 of the Solano County Flood Control and Water Conservation District Act is amended to read:

Creation

Section 1. A district is hereby created to be known and designated as the "Solano County Flood Control and Water Conservation District," and the boundaries and territory of said district are as follows: all of the territory within the County of Solano lying within the exterior boundaries thereof and the Davis Campus of the University of California.

SEC. 2 of said act is amended to read:

Definitions

Sec. 2. As used in this act, the following words shall have the following respective meanings except by the context otherwise indicated:

(a) "The district" shall mean the Solano County Flood Control and Water Conservation District;

(b) "The county" shall mean the County of Solano, State of California;

(c) "United States" shall include the United States of America and all bureaus, commissions, divisions, departments, boards, agencies and officers of the United States of America;

(d) "State of California" shall include the State of California and all bureaus, commissions, divisions, departments, boards, agencies and officers of the State of California;

(e) "Work" or "works" shall include dams and dam sites, all reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion and transmission of surface waters, and all land, property, franchises, easements, rights of way and privileges necessary or useful to operate or maintain any of the foregoing;

(f) "Member unit" shall mean any county water district, reclamation district, irrigation district, water conservation district, municipality, flood control district and other district or

political subdivision of the State empowered by law to appropriate water and to deliver to water users, the territory of which lies entirely within the exterior boundaries of the county of Solano, which member unit may enter into a contract with the district for (I) the repayment in whole or part to the district or any other person, corporation, public district, State of California, or the United States, of any or all of the construction costs of any works constructed by or on behalf of the district, or for (II) the underwriting in whole or part of any or all of such construction costs, or for (III) the repayment in whole or in part to the district or any other person, corporation, public district, State of California or the United States of any or all of the cost of furnishing water or a water supply to the district or the underwriting in whole or in part of such cost, or for (IV) the payment in whole or in part for water to be furnished or sold to such district by the district or the United States.

(g) "Elector" or "qualified elector" or "voter" or "qualified voter" shall mean any elector of the county qualified under the laws of the State of California to vote in the county at general elections;

(h) "May" is permissive and "shall" is mandatory.

SEC. 3. Section 4.3 of said act is amended to read:

Sec. 4.3. Anything in this act to the contrary notwithstanding, the district shall have the power to appropriate water or acquire water rights only on behalf of lands not then included within the limits of any public corporation empowered to appropriate water, and the district shall promptly assign any such appropriation or water right to any such public corporation formed to include such lands; provided, that the district shall have the further power to appropriate water or to acquire water rights to whatever extent and for whatever purposes any member unit or any agency of the State of California or of the United States of America having an interest therein or affected thereby shall have agreed to in writing.

SEC. 4. Section 5 of said act is amended to read:

Sec. 5. The district shall have the power, but only as to member units or for the benefit of any agency of the State of California or of the United States of America, to sell, lease, or otherwise dispose of water or any rights to the use of the works of the district for the conservation, control or transportation of water, and shall have the power to fix rates and charges for such purposes. Sale, etc., of water

SEC. 5. Section 5.1 of said act is amended to read:

Sec. 5.1. The district shall have the power to enter into contracts with any member unit or with any municipality, district, or other political subdivision which thereby becomes a member unit of the district for any of the following purposes: Contracts

1. The lease, purchase or other acquisition by the district of any of the works of such member unit.

2. The construction of works by the district for the conservation, regulation or transmission of water for the benefit of

such member units; or for the furnishing or sale by the district or the United States to such member unit or by such member unit to the district of water or a water supply for any purpose; or for the assumption, by either the district or the member unit, as principal or guarantor or underwriter of indebtedness incurred on account of works or water furnished or sold to the district or member unit.

3. The sale, lease or other disposition of water, water rights, and water storage facilities, or interests therein, by the district or by such member unit.

4. The operation of works and the delivery of water by the district or by such member unit; provided:

(a) The works shall be operated in conformity with the vested rights and appropriations of each of its member units having an interest therein.

(b) There shall be delivered to each member unit all water to which such member unit is entitled under the contract entered into by the district and such member unit.

(c) There shall not be delivered to any member unit more water than the amount to which such member unit is entitled under the contract entered into by the district and such member unit; provided, that the release of water from any reservoir in the amount required to satisfy any vested right shall not constitute a delivery of water; provided further, that any quantity of water assigned under Section 5.6 or released under Section 5.7 by one member unit to another member unit shall be delivered to the latter.

SEC. 6. Section 5.2 of said act is amended to read:

Sale, etc., of water Restrictions

Sec. 5.2. The district shall have no power to sell, lease, or otherwise dispose of water or of any right to the use of the works of the district for the conservation, control, or transportation of water, except to member units and to agencies of the State of California and of the United States of America and except as all member units, such agencies of the State of California and the United States of America having rights to such water or interest in such works shall grant such power by written contract; the power so granted shall be limited to the extent and by the conditions set forth in the most restrictive of such contracts.

SEC. 7. Section 5.9 is hereby added to said act, to read:

Contracts with State, United States

Sec. 5.9. Anything in this act to the contrary notwithstanding, the district shall have the power to contract, and to perform its contracts, with agencies of the State of California and of the United States of America in all respects as the district has the power to contract and perform its contracts with its member units, except that any such contract with agencies of the State of California and of the United States of America shall provide that any payments to be made to the district shall be in advance of any service, delivery, construction or use to be provided by the district under such contract.

SEC. 8. Section 9.1 of said act is amended to read:

Sec. 9.1. The aggregate of district indebtedness incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments to meet any bonded indebtedness or contractual liability exclusive of taxes or assessments levied pursuant to Section 10.1 hereof and the execution of contracts, shall not exceed a sum equal to: (1) That amount which can be repaid and liquidated as to both principal and interest in not to exceed forty (40) years by an annual tax at the rate of fifteen cents ($0.15) on each one hundred dollars ($100) of the assessed valuation of all property in the district taxable for district purposes, measured by the assessment roll last equalized prior to the incurring of such indebtedness; plus (2) the amount of all capital obligations underwritten by member units of the district; plus (3) the amounts agreed to be paid by member units to the district or to the United States for water or a water supply. Debt limitation

SEC. 9. Section 10.1 of said act is amended to read:

Sec. 10.1. If from any cause, the revenues of the district shall be, or in the judgment of the board of directors are likely to be, inadequate to pay the expenses, costs, liabilities and indebtedness of the district, the board of directors of the district shall have the power in any year to levy an ad valorem tax upon all taxable property in the district to pay the costs and expenses of said district and to carry out any of the objects, purposes or powers of this act; provided, however, that the aggregate taxes levied under this section for any fiscal year shall not exceed fifteen cents ($0.15) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the district exclusive of any tax levied to meet the bonded indebtedness of the district and the interest thereon duly authorized by a vote of the electors of the district, and exclusive of any special assessment levied to meet any indebtedness or contractual liability duly authorized by vote in any manner set forth in Section 6.1 hereof, and exclusive of any tax levied for the payment of any portion of any indebtedness represented by capital obligations underwritten by member units or represented by the amounts agreed to be paid by member units for any water or water supply to be furnished or sold such member units. Taxation

Said taxes shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenue derived from said taxes shall be paid into the county treasury to the credit of the district, and the board of directors shall have the power to control and order the expenditure thereof for said purposes.

CHAPTER 1779

An act to amend Sections 14631 and 14640 of, and to add Sections 14276.5, 14633, and 14639.5 to, the Education Code,

relating to the State Teachers' Retirement System, and making an appropriation.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

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

SECTION 1. Section 14640 of the Education Code is amended to read:

Disability annuities

14640. (a) If the retiring member has attained the age of 60 years at the effective date of his retirement, the amount of disability annuity payable under subdivision (b) of Section 14639 shall be the same as the amount of the annuities which would have been payable to him under subdivisions (b) and (c) of Section 14632 if his retirement were for service instead of for disability.

(b) If the retiring member has not attained the age of 60 years at the effective date of his retirement, the amount of disability annuity payable under subdivision (b) of Section 14639 shall be the lesser of the two following amounts:

(1) Ninety percent (90%) of the sum of the annuities payable to him under subdivisions (b) and (c) of Section 14632 at the age of 60 years, on the basis of salary earned and service rendered up to the effective date of his retirement.

(2) The amount of the annuities which would have been payable to him under subdivisions (b) and (c) of Section 14632 at the earliest later date at which he would have been eligible for retirement for service, with credit for 30 years of service, assuming that his contributions based on his salary at the date of his retirement for disability had continued to the earliest later date at which he would have been eligible for such retirement for service.

SEC. 2. Section 14276.5 is added to said code, to read:

"Compensation earnable"

14276.5. "Compensation earnable" by a member means the compensation as determined by the board which would have been earned by the member if he engaged in his duties the full amount of time he was required by his employment to be so engaged. The computation for any absence of a member shall be based on the compensation earnable by him at the beginning of the absence and that for time prior to becoming a member shall be based on the compensation earnable by him in the position first held by him as a member.

SEC. 3. Section 14631 of said code is amended to read:

Retirement allowances

14631. Retirement allowances, excluding annuities under the Annuity Deposit Fund, payable for time commencing on the effective date of this section, to persons whose retirement is effective prior thereto, shall be changed as of said date and on the basis of the ages of, and service credited to the respective persons at the effective dates of their retirement, to retirement allowances which are the sum of amounts calculated under the Permanent and Retirement Annuity Funds respectively, on the basis of current interest rate and mortality tables, and in the

manner prescribed herein for the calculation of retirement allowances of members whose retirement is effective after said date, but not subject to the limit of 75 percent of average compensation earnable. Such changed 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. Contributions and interest thereon owed to the system by said persons on said effective date, shall be deducted from the respective increased allowances, in the manner prescribed in Section 14476. If the person elected at retirement to have his annuity modified under one of the options in Section 14637, and if his beneficiary is living on the effective date hereof, the increase in his annuity shall be modified under the option then elected and on the basis of current ages

SEC. 4. Section 14633 is added to said code, to read:

Minimum retirement allowance

14633. The retirement allowance in Section 14632, exclusive of the annuity in subdivision (d) of that section, but when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local retirement system, shall be at least one hundred seventy dollars ($170) per month, by increase in the annuity, based on service rendered prior to July 1, 1944, under the Retirement Annuity Fund; provided, the retired member is at least 60 years of age at the time of retirement and is entitled to be credited with at least 30 years of service. If such retired member's credited service is less than 30 years, the minimum retirement allowance under this section is an amount which bears the same ratio to one hundred seventy dollars ($170) that the credited service bears to 30 years If retirement is at an age less than 60 years, the minimum retirement allowance under this section is an amount actuarially equivalent to the value at the lesser age of the minimum retirement allowance calculated under the preceding sentences, deferred to the age of 60 years. No retirement allowance shall be increased under this section to exceed, annually, 75 percent of the average annual compensation earnable by the member during the five (5) years immediately preceding his retirement.

SEC. 5. Section 14639 5 is added to said code, to read:

Same

14639.5. The retirement allowance in Section 14639, exclusive of the annuity in subdivision (d) of that section, but when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local retirement system, shall be at least one hundred fifty-eight dollars ($158)

per month, by increase in the annuity, based on service rendered prior to July 1, 1944, under the Retirement Annuity Fund; provided, the retired member is at least 60 years of age at the time of retirement and is entitled to be credited with at least 30 years of service. If such retired member's credited service is less than 30 years, the minimum retirement allowance under this section is an amount which bears the same ratio to one hundred fifty-eight dollars ($158) that the credited service bears to 30 years. If retirement is at an age less than 60 years, the minimum retirement allowance under this section is an amount actuarially equivalent to the value at the lesser age of the minimum retirement allowance calculated under the preceding sentences, deferred to the age of 60 years. No retirement allowance shall be increased under this section to exceed, annually, 75 percent of the average annual compensation earnable by the member during the five (5) years immediately preceding his retirement.

Appropriation

SEC. 6. Out of any moneys in the State Treasury not otherwise appropriated there is hereby appropriated for transfer to the Retirement Annuity Fund of the State Teachers' Retirement System the sum of one million one hundred twenty-five thousand dollars ($1,125,000) for operation of the State Teachers' Retirement System, in augmentation of the appropriation made by Item 398 of Section 2 of the Budget Act of 1953.

Operative date

SEC. 7. This act shall become effective on the first day of the month next following the ninetieth day after the final adjournment of the 1953 Regular Session of the Legislature.

CHAPTER 1780

An act to amend Sections 41 and 42 of the Public Utility District Act of 1921 (Chapter 560 of the Statutes of 1921), and to amend Sections 16501 and 16544 of the Public Utilities Code, relating to bids for furnishing supplies to and for construction work in public utilities districts.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

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

SECTION 1. Section 41 of the act cited in the title hereof is amended to read:

Bids Supplies, etc

SEC. 41. Except as otherwise provided in this act, the board of directors shall annually advertise, for at least five days in a newspaper of general circulation in the county in which the greater portion of such utility district is situated, for sealed bids for furnishing the district with goods, merchandise, stores, subsistence, printing, materials, and all other supplies, and advertising.

All bids shall be upon a schedule showing all articles needed by the district and the several offices thereof, prepared by the clerk of the district, and shall state separately the price of each article to be furnished, and any person may bid upon any article separately.

Except as otherwise provided by this act, the board of directors shall determine annually what goods, merchandise, stores, subsistence, materials and other supplies will be needed by the district for the ensuing year.

In considering such bids the board of directors may accept or reject all or any of them, or may accept or reject a part of any such bid, preference being given, however, to the lowest responsible bidder. All supplies furnished the district, or any officer thereof, shall be furnished at a price no greater than is specified in the bid which may be accepted by the board. The award as to each article shall in all cases be made to the lowest bidder for such article.

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. All contracts shall be made with the lowest responsible bidder, who shall give bonds with sufficient sureties for the faithful performance of his contract.

Notices of proposals for furnishing the aforesaid articles shall mention said articles in general, and shall state that the conditions and schedule may be found in the office of the clerk of the district, and shall also state that such articles are to be delivered at such times, and in such quantities, and in such manner as the board of directors may designate.

All proposals shall be accompanied with a certificate of deposit, or certified check on a solvent bank within the district, or county wherein the district is located, of 10 per centum of the amount of the bid, payable at sight to the order of the clerk of the district. If the bidder to whom the contract is awarded shall for five days after such award fail or neglect to enter into the contract and file the required bond, the clerk shall draw the money due on such certificate of deposit or check and pay the same into the treasury of the district; and under no circumstances shall the certificate of deposit or check or the proceeds thereof be returned to such defaulting bidder.

The clerk shall furnish printed blanks for all such proposals, contracts and bonds.

Advertising shall not be classified, and shall be construed to mean 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. No part or kind of such advertising shall be charged or contracted for at a higher rate than any other part or kind of the same 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.

No officer or employee of the district shall order any article or shall make any publication which is not expressly authorized by this act or by the board of directors.

Unless the amount involved in the purchase at any one time of any articles, for which no contract has been entered into as hereinabove provided, exceeds the sum of two thousand dollars ($2,000), the board of directors may purchase such article or articles without the necessity of advertising or letting contracts therefor; but where the cost of any article or articles, for which no contract has been entered into as hereinabove provided, exceeds the sum of two thousand dollars ($2,000), the board of directors shall advertise for at least five days in a newspaper of general circulation in the district for sealed bids for furnishing the district such article or articles, and shall in the matter of opening and accepting such bids and the letting of contracts for the furnishing of such article or articles in all respects proceed in the manner and form in this section hereinabove provided in the case of contracts for annual supplies.

SEC. 2. Section 42 of said act is amended to read:

Bids Construction

Sec. 42. Where the cost of any construction, replacement, improvement, alteration, extension, or other proposed work of the district exceeds the sum of three thousand dollars ($3,000), the board of directors must adopt plans and specifications, strain-sheets, and working details, as may be proper, and must advertise for bids for such work in accordance with the plans and specifications so adopted. All bidders shall be afforded an opportunity to examine such plans and specifications and said board shall award the contract to the lowest responsible bidder, and the plans and specifications so adopted shall be attached to and become part of the contract; and the person or corporation to whom the contract is awarded shall be required to execute a bond, to be approved by the board of directors, for the faithful performance of the contract; provided, that in cases of great emergency, by the consent of at least two-thirds of the board of directors, they may proceed at once to do or cause to be done all repair or replacement work necessary to meet such emergency without notice; and provided further, that nothing herein contained shall be deemed to prohibit the board of directors from doing or causing to be done directly by the district, and without any contract therefor, 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; and provided further, that upon the determination of the board of directors by an affirmative vote of two-thirds of its members that all bids submitted are unsatisfactory or are excessive, the district may proceed to do any necessary and proper work and to make any necessary and proper expenditures, in lieu of contracting for the performance

of such construction, replacement, improvement, alteration, extension or other proposed work.

No plans and specifications when once adopted shall be altered or changed in any manner whereby the cost of the proposed work shall be increased, except by a vote of two-thirds of the board of directors.

Whenever the board of directors shall enter into a contract for any such work, such contract shall not be altered or changed in any manner, unless they shall, by a vote of two-thirds of their number, and with the consent of the contractor, first so order. And whenever any such change or alteration is so ordered, the particular change or alteration shall be specified, in writing, and the cost thereof 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.

SEC. 3. Section 16501 of the Public Utilities Code is amended to read:

Same

16501. If the cost of any proposed work of the district exceeds three thousand dollars ($3,000), 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.

SEC. 4. Section 16544 of said code is amended to read:

Purchases under $2,000

16544. Unless the amount involved in the purchase at any one time of any articles for which no contract has been entered into exceeds two thousand dollars ($2,000), 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 two thousand dollars ($2,000), 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.

Effect Stats. 1953, Ch. 72

SEC. 5. Sections 3 and 4 of this act shall become operative only if Division 7 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 division takes effect, at which time Sections 1 and 2 of this act are repealed.

CHAPTER 1781

An act to amend Section 72601 of the Government Code, relating to judges of municipal courts in Los Angeles County.

[Approved by Governor July 9, 1953 Filed with Secretary of State July 10, 1953]

In effect September 9, 1953

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

SECTION 1. Section 72601 of the Government Code is hereby amended to read as follows:

Los Angeles County municipal court Judges' salaries

72601. Each judge of a municipal court established in a judicial district in Los Angeles County shall receive as an annual salary fifteen thousand dollars ($15,000).

CHAPTER 1782

An act to add Section 5307.1 to the Labor Code, relating to the powers of the Industrial Accident Commission.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

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

SECTION 1. Section 5307.1 is hereby added to the Labor Code, to read:

Minimum medical fees

5307.1. The commission may, after public hearings, and by an order signed by four members, adopt an official minimum medical fee schedule.

CHAPTER 1783

An act to amend Section 2980.5 of the Civil Code, relating to the recording of conditional sales contracts and feeding agreements covering livestock and animate chattels.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

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

SECTION 1. Section 2980.5 of the Civil Code is amended to read:

Definitions

2980.5. (a) As used in this section "contract" means any agreement for the conditional sale or leasing of livestock or other animate chattels, or any agreement for the bailment or feeding of cattle of such breeds or crossbreeds as are primarily used for the production of milk for human consumption (hereinafter termed "dairy cattle"); "vendor" means the conditional seller or lessor of any such chattels, or the bailor or person owning dairy cattle under a feeding agreement; "vendee" means the conditional buyer or the lessee of any such chattels or the bailee or person feeding dairy cattle. For the purposes of this section bovine animals of the Galloway, Hereford, Polled Hereford, Aberdeen-Angus, shorthorn (other than milking shorthorn), and Brahma breeds or cross-breeds within any of said breeds, and steers of any breed or cross-breed, including dairy breeds and cross-breeds, are not "dairy cattle."

Failure to record

(b) Unless any such contract is recorded in accordance with subsection (d) of this section within 10 days after the contract is executed, every provision therein reserving title or property in any such chattels to the vendor after possession of the chat-

tels is delivered to the vendee shall be void as to any purchaser, creditor or encumbrancer who, without actual knowledge of such provision, in good faith and for value purchases the chattels from the vendee or acquires a security interest therein or lien thereon by pledge, attachment, levy or mortgage, before the contract is so recorded, and as to any other creditor who, without actual knowledge of such provision, in good faith and for value becomes a creditor after possession of the chattels is delivered to the vendee and before the contract is so recorded, and as against any such purchaser, creditor or encumbrancer title or property in any such chattels shall be conclusively presumed to have been transferred to the vendee unless the contract is so recorded.

Mortgagee's lien

(c) Without limiting the generality of subsection (b) of this section, for the purposes of this section a mortgagee, under a mortgage of livestock or other animate chattels which provides that such mortgage shall cover or become a lien on any such chattels subsequently acquired by the mortgagor, shall be deemed to acquire a lien upon any such chattels, the possession of which is thereafter delivered to the mortgagor under any contract as above defined, at the time possession thereof is acquired by the mortgagor, and such lien shall be prior and superior to the right, title or interest of the vendor under any such contract unless the contract is recorded within 10 days after the contract is executed.

Contracts proved, certified, etc

(d) Any such contract must be acknowledged or proved, certified, recorded and re-recorded in the same manner as mortgages of animate personal property other than crops growing or to be grown. For such purpose "vendee" as defined in this section shall have the same meaning as "mortgagor." Section 2959a of the Civil Code is hereby made applicable to the instruments required to be recorded by this section in the same manner as to mortgages of personal property.

CHAPTER 1784

An act to amend Sections 74342, 74343, 74344, 74345 and 74346 of, and add Section 74350 to, the Government Code, relating to the number and compensation of officers and attaches of the San Diego Municipal Court.

[Approved by Governor July 9, 1953 Filed with Secretary of State July 10, 1953]

In effect September 9, 1953

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

SECTION 1. Section 74342 of the Government Code is amended to read:

San Diego municipal court Salaries Clerk

74342. There shall be one clerk who shall also serve as secretary, to be appointed by the judges of the court. He shall receive seven hundred dollars ($700) a month.

SEC. 2. Section 74343 of said code is amended to read:

Deputy clerks

74343. The clerk may appoint:

(a) One chief deputy clerk, who shall receive five hundred fifty dollars ($550) a month.

(b) One deputy clerk who shall be chief clerk of the civil division, and who shall receive four hundred thirty-five dollars ($435) a month.

(c) One deputy clerk who shall be chief clerk of the traffic division, and who shall receive four hundred thirty-five dollars ($435) a month.

(d) One deputy clerk who shall be chief clerk of the accounting division, and who shall receive four hundred thirty-five dollars ($435) a month.

(e) Three deputy clerks (assistant chief clerk of division), each of whom shall receive four hundred fifteen dollars ($415) a month.

(f) Nine deputy clerks IV, each of whom shall receive three hundred seventy-five dollars ($375) a month as a beginning salary, with an increment to four hundred dollars ($400) a month after one year's service.

(g) Nine deputy clerks III, each of whom shall receive three hundred forty-five dollars ($345) a month as a beginning salary, with an increment to three hundred sixty dollars ($360) a month after one year's service.

(h) Five deputy clerks II, each of whom shall receive two hundred ninety-five dollars ($295) a month as a beginning salary, with an increment to three hundred ten dollars ($310) a month after one year's service, and a further increment to three hundred twenty-five dollars ($325) a month after an additional year's service.

(i) Twenty-eight deputy clerks I, each of whom shall receive two hundred fifty dollars ($250) a month as a beginning salary with an increment to two hundred sixty-five dollars ($265) a month after six months' service, and a further increment to two hundred eighty dollars ($280) a month after an additional year's service.

SEC. 3. Section 74344 of said code is amended to read:

Marshal

74344. There shall be one marshal to be appointed by the judges of the court who shall receive seven hundred dollars ($700) a month.

SEC. 4. Section 74345 of said code is amended to read:

Deputy marshals

74345. The marshal may appoint:

(a) One assistant marshal who shall receive five hundred dollars ($500) a month as a beginning salary, with an increment to five hundred twenty-five dollars ($525) a month after one year's service and a further increment to five hundred fifty dollars ($550) a month after an additional year's service.

(b) Two deputy marshals (lieutenant), each of whom shall receive four hundred seventy dollars ($470) a month.

(c) Two deputy marshals (sergeant), each of whom shall receive four hundred forty dollars ($440) a month.

(d) One deputy marshal (chief bailiff), who shall receive four hundred fifteen dollars ($415) a month.

(e) One deputy marshal (female), who shall receive three hundred sixty dollars ($360) a month as a beginning salary, with an increment to three hundred seventy-five dollars ($375) a month after six months' service and a further increment to three hundred ninety-five dollars ($395) a month after an additional one year's service.

(f) Twelve deputy marshals, each of whom shall receive three hundred sixty dollars ($360) a month as a beginning salary, with an increment to three hundred seventy-five dollars ($375) a month after six months' service and a further increment to three hundred ninety-five dollars ($395) a month after an additional one year's service.

(g) Two deputy marshals (stenographer), each of whom shall receive two hundred eighty dollars ($280) a month as a beginning salary, with an increment to two hundred ninety-five dollars ($295) a month after six months' service and a further increment to three hundred ten dollars ($310) a month after an additional year's service.

SEC 5. Section 74346 of said code is amended to read:

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 eighty dollars ($280) a month as a beginning salary, with an increment to two hundred ninety-five dollars ($295) a month after six months' service and a further increment to three hundred ten dollars ($310) a month after an additional one year's service.

SEC. 6. Section 74350 is added to said code, to read:

Incumbents

74350. All persons holding positions on the ninety-first day after the 1953 Regular Session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

CHAPTER 1785

An act to amend Sections 130, 151.1, 377, 377.5, 378, 380, and 382 of the Vehicle Code, relating to fees collected by the Department of Motor Vehicles.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 130 of the Vehicle Code is amended to read:

Department records

130. Records of Department. (a) All records of the department relating to the registration of vehicles and such information as is contained on an application for an operator's or chauffeur's license shall be open to public inspection during office hours. Other records of the department relating to the physical or mental condition of any person shall be confidential.

(b) The department shall have the right to sell information from its records concerning the registration of any vehicle or information from the files for operator or chauffeur licenses at a charge sufficient to pay the actual cost to the department for providing such information, the charge for such information to be determined by the Director of Motor Vehicles with the approval of the Department of Finance, with a minimum charge of thirty cents ($0.30) for each item. The department may sell stamps or coupons in appropriate denominations for the convenient enforcement of this section. Such stamps or coupons may be used to accompany requests for information in lieu of cash, but otherwise shall be nonredeemable and shall be canceled by the department upon granting the request for information. This subdivision does not apply to statistical information of the type heretofore compiled and distributed by the department nor to information, the purpose of which relates to traffic accidents or traffic offenses or traffic enforcement.

(c) The department shall have the right to sell copies of all or any part of its records at a charge sufficient to pay the actual cost to the department of such copies, the charge for such records and the conditions under which they may be sold to be determined by the Director of Motor Vehicles, with the approval of the Department of Finance.

(d) The department shall not make any charge for any copies of records, or for information given out from its records, to any county, city, or city and county, or to any state department, or Federal Government.

SEC. 2. Section 151.1 of the Vehicle Code is amended to read:

Certificate of ownership

151.1. Department May Issue Certificate of Ownership Without Registration. (a) The department may issue a certificate of ownership to the legal owner of a vehicle of a type subject to registration hereunder without requiring registration subject to the following conditions:

1. The application must be submitted in proper form.

2. A service fee of five dollars ($5) must be paid to the department.

3. There must be filed with the department a certificate of the owner that the vehicle has not been driven or moved upon any public highway so as to require payment of fees and that the owner will not thereafter permit to be driven or moved, or drive or move the vehicle, over or upon a public highway without surrendering or arranging to surrender the certificate to the department, without first having made full payment of all fees required to be paid for such operation or movement of the vehicle under the provisions of this code and of Part 5 of Division 2 of

the Revenue and Taxation Code, and thereby having made application for the regular registration of such vehicle.

When the owner has complied with all requirements of such application the department may issue a certificate of ownership to him as legal owner and may issue a facsimile copy thereof to the owner or both to the owner if there is no legal owner.

(b) Every transfer of ownership of a vehicle registered pursuant to subdivision (a) of this section shall be recorded with the department within 10 days by presentation of an application therefor which shall consist of the last issued certificate of ownership properly endorsed and the last issued facsimile copy thereof and payment of a service charge of two dollars ($2).

Upon any transfer of ownership the registration and other fees as required by law shall be paid and the department shall issue the usual certificate of ownership and registration card unless the vehicle is not to be operated on the public highways and the new owner submits an affidavit satisfactory to the department as to those facts required by paragraph 3 of subdivision (a) of this section in which case the new certificate of title and facsimile thereof may be issued as provided for in subdivision (a) hereof.

(c) A transfer of ownership as provided for herein may be made upon application pursuant to those conditions contained in Section 182 of this code and payment of a service charge of two dollars ($2) for a duplicate certificate of ownership or a facsimile copy thereof in addition to payment of the service charge provided in this section and upon the filing of a certificate by the new owner covering those facts specified in paragraph 3 of subdivision (a) hereof.

(d) The provisions of this section shall not be construed to permit the issuance of a certificate of ownership or a facsimile copy thereof for any vehicle exempted from payment of registration fees as provided in Sections 39, 39.5, 45, and 142 of this code or of those fees specified in Part 5 of Division 2 of the Revenue and Taxation Code.

SEC. 3. Section 377 of the Vehicle Code is amended to read:

377. Fees for Transfer of Registration. (a) Upon application for the transfer of the title or any interest of an owner or legal owner in or to a vehicle registered hereunder, other than upon a transfer to a chattel mortgagee and other than upon a transfer to a transferee not required hereunder to obtain the issuance to him of a new certificate of ownership and registration card, there shall be paid the following fees: Transfer of registration

(1) For a transfer by the owner $2
(2) For a transfer by the legal owner $2
(3) When application is presented showing a transfer by both the owner and legal owner ..... Total fee $2

SEC. 4. Section 377.5 of the Vehicle Code is amended to read:

377.5. Fees Payable Upon Installation of Engine or Motor. Every notice of the installation in a vehicle of a motor vehicle Motor installation

engine or motor required to be filed under Section 232 shall be accompanied by a filing fee of two dollars ($2).

SEC. 5. Section 378 of the Vehicle Code is amended to read:

Delinquent fee. Penalties

378. When Fee Is Delinquent. Penalties. (a) (1) Whenever any vehicle is operated upon any highway of this State without the registration fee having first been paid as required by this code, such fee is delinquent.

(2) Whenever any person has received as transferee a properly endorsed certificate of ownership and the registration card of the vehicle described in said certificate and card and the transfer fee has not been paid as required by this code within 10 days, such fee is delinquent.

(3) Whenever any person becomes an automobile wrecker without first having paid the license or certificate and special plate fees as required by this code, such fees are delinquent.

(b) A penalty shall be added upon any application for annual renewal of registration made on or after February 5th except as provided in Section 164.5 of this code.

(c) A penalty shall be added upon any application for renewal of any special plate or plates made on or after December 1st.

(d) Except as otherwise provided in subdivision (b), if any fee is not paid within 30 days after the same becomes delinquent a penalty shall be added thereto.

(e) In every event the penalty shall be equal to the fee after the same has been computed as provided in Sections 372.5 and 373.5 and shall be collected therewith, except that the penalty for delinquency in respect to any transfer shall be two dollars ($2), and shall apply only to the last transfer.

SEC. 6. Section 380 of the Vehicle Code is amended to read:

Chattel mortgage filing fee

380. Fee for Filing Chattel Mortgage. Upon filing with the department an application for transfer of registration to the chattel mortgagee as provided herein there shall be paid to the department a fee of two dollars ($2) for each vehicle registered hereunder described in and subject to such chattel mortgage.

SEC. 7. Section 382 of the Vehicle Code is amended to read:

Duplicate fees

382. Fees for Duplicates. Upon application for duplicates as permitted under this code, the following fees shall be paid:

(a) For a duplicate certificate of ownership or registration card or equipment identification receipts ---------- $2.00

(b) For any duplicate license plate or plates, or substitute plate or plates, or equipment identification plate for the same vehicle ---------- $2.00

(c) Upon an application for a duplicate operator's or chauffeur's license ---------- $1.00

CHAPTER 1786

An act to amend Section 340 of the Streets and Highways Code, relating to state highways.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.] In effect September 9, 1953

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

SECTION 1. Section 340 of the Streets and Highways Code is amended to read:

340. Route 40 is from: Route 40

(a) Route 13 to Route 23 near Mono Lake via Big Oak Flat and Buck Meadows. That portion of Route 40 lying within the boundaries of Yosemite National Park is not a state highway.

(b) Route 23 near Mono Lake to Route 76 near Benton Station.

(c) Route 23 north of Mono Lake to the Nevada state line, in the vicinity of the Pole Line Road.

CHAPTER 1787

An act to amend Sections 314 and 405 of, and to add Sections 553 to, the Streets and Highways Code, relating to state highway routes.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.] In effect September 9, 1953

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

SECTION 1. Section 314 of the Streets and Highways Code is amended to read:

314. Route 14 is from Oakland to Route 7 near Crockett. Route 14

SEC. 2. Section 405 of the Streets and Highways Code is amended to read:

405. Route 105 is from: Route 105

(a) Route 56 near Half Moon Bay to Route 5 near Hayward.

(b) Hayward via 14th Street in San Leandro, to High Street in Oakland.

SEC. 3. Section 553 is added to the Streets and Highways Code, to read:

553. Route 233 is: Route 233

(a) High Street, Oakland, between Route 69 and Route 5.

(b) From Route 227 near the intersection of Park Boulevard, Oakland, to Route 75 near Lafayette.

CHAPTER 1788

An act to amend Section 6b 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 Sections 74511 and 74512 of the Government Code, relating to municipal courts.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

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

SECTION 1. Section 6b of the act cited in the title hereof is amended to read as follows:

Official reporters Municipal courts

Sec. 6b. Official reporters in every municipal court in a city or city and county of the first class, appointed as provided in Sections 274c and 274d of the Code of Civil Procedure shall be attaches of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary of eight thousand dollars ($8,000) a year, which shall be a charge against the general fund of the said city or city and county.

In conformity with the provisions of Section 274c of the Code of Civil Procedure, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Section 274 of the Code of Civil Procedure, except that in lieu of the per diem fees provided in said section for reporting testimony and proceedings, said official reporters pro tempore shall in all cases receive twenty-five dollars ($25) per day, which shall upon order of the court be a charge against the general fund of the said city or city and county.

All per diem fees otherwise payable by law by the parties to proceedings in said court to official reporters or official reporters pro tempore shall be paid to the clerk of the court. All said fees shall be deposited in the treasury of the said city or city and county to the credit of the general fund.

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 or 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 Section 274 of the Code of Civil Procedure which shall be paid from the city or city and county treasury.

Official reporters of such court shall be members of any retirement system maintained by any city or city and county of the first class in which they are employed. For the purpose of such retirement system the salary herein provided for such reporters shall be deemed their entire compensation.

The provisions of Section 274c of the Code of Civil Procedure with reference to the appointment, tenure of office and removal of phonographic reporters shall not apply to phonographic re-

porters of the criminal division of the municipal court of a city or city and county of the first class who were acting in that capacity on the effective date of this section and who were certified by the civil service commission of a city or city and county of the first class, or were appointed to the court superseded by said municipal court. All such reporters shall be deemed the duly appointed, qualified and acting phonographic reporters of the criminal division of the municipal court of a city or city and county of the first class and shall be entitled to all the benefits of the civil service and retirement provisions of the charter of a city or city and county of this class and of the rules of the civil service commission having jurisdiction respecting suspensions and dismissals of employees.

Each official phonographic reporter appointed pursuant to the provisions of Section 274c and 274d of the Code of Civil Procedure shall retain his appointment and status as such phonographic reporter pursuant to the provisions of Section 274c and Section 274d of the Code of Civil Procedure, subject to the compulsory age of retirement under said retirement system.

SEC. 2. Section 74511 of the Government Code is amended to read:

Salary

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 eight thousand dollars ($8,000) a year, which shall be a charge against the general fund of the city and county.

SEC. 3. Section 74512 of said code is amended to read:

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-five dollars ($25) a day, which shall upon order of the court be a charge against the general fund of the city and county.

CHAPTER 1789

An act to amend Section 69649 of the Government Code, relating to the salary of the Judge of the Superior Court in and for El Dorado County.

[Approved by Governor July 8, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 69649 of the Government Code is amended to read:

El Dorado County Superior Court Judge's salary

69649. The annual salary of the Judge of the Superior Court of the County of El Dorado is eleven thousand five hundred twenty-seven dollars ($11,527)

CHAPTER 1790

An act to add Section 1076.1 to the Streets and Highways Code, relating to detention camps.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

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

SECTION 1. Section 1076.1 is added to the Streets and Highways Code, to read:

Detention camps Counties over two million population

1076.1. In counties containing a population of two million or over and employing a registered engineer as road commissioner, the board of supervisors may authorize the moving, relocation, or re-establishment of detention camps by force account or day labor where such camps are used in connection with county highway construction or maintenance work, if the board determines that such work of moving, relocation, or re-establishment can be done more economically and satisfactorily by force account or day labor than by contract, and that the total estimated cost of new or additional building structural materials necessary to be purchased in order to perform such work does not exceed five thousand dollars ($5,000).

CHAPTER 1791

An act to add Section 547 to the Streets and Highways Code, relating to the State Highway System.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

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

SECTION 1. Section 547 is added to the Streets and Highways Code, to read:

Route 233

547. Route 233 is from Route 83 near Sierraville to Route 21 near Vinton, via Loyalton. Provided, however, that Section 600 of this code shall be applicable to those portions of said route added to the State Highway System by this section, the same as if said portions had been added by the Collier-Burns Highway Act of 1947, and the Department of Public Works shall not be required to maintain any such portion, or portions, of said route until the same has been laid out and constructed as a state highway.

CHAPTER 1792

An act to add Section 1252.1 to the Code of Civil Procedure, relating to awards in eminent domain actions.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1252.1 is added to the Code of Civil Procedure, to read:

Eminent domain Payment of taxes due

1252.1. At the time of commencement of the trial of any condemnation action in which a public agency exempt from taxes is the plaintiff, the clerk of the court shall serve upon the officer or officers responsible for the computation of all ad valorem taxes on the property being condemned, written notice to prepare and file with the clerk of the court a certificate of all delinquent taxes, penalties and costs, and of all current taxes, due and payable on said property as of the date said notice was served. There shall be filed by the clerk with the court, as part of the records in said action, a copy of said written notice with the acknowledgment of service and the date thereof endorsed thereon by the officer so served. For the purposes of this section, the term taxes shall include ad valorem special assessments levied and collected in the same manner as other taxes. In the event said notices are served at a time when the amount of the current taxes, which are a lien on the property but not yet payable, are not known to the certificating officers, said certificates shall contain, in lieu of a statement of the current taxes, a statement based on (1) the assessed value for the current year of the property being condemned, and (2) the tax rate for the previous fiscal year. Said certificates shall be filed with the clerk of the court, as a part of the records and files of said condemnation action, within 10 days after the service of said notices, and in the event of failure on the part of any officer upon whom such notice is served to file said certificates within said time, it shall be conclusively presumed that as to the taxes for the collection of which such officer is responsible, no taxes are due and payable on said property, or in any manner constitute a lien thereon.

Before making any final order of condemnation in such action, the court shall determine whether said certificates have been filed by all officers upon whom the notices have been served. If said certificates have been filed, the court shall as a part of the judgment direct the payment to the tax collecting agencies, out of the award, the amounts of the delinquent taxes, penalties and costs, and the amounts of the current taxes, shown by said certificates to be due and payable. In the event said certificates show that the amounts of the current taxes which are a lien are not known, and in lieu of the statement of current taxes contain a statement based on the assessed value for the current year and the tax rate for the previous year, the court shall in

lieu of directing the payment of current taxes order the payment of sums bearing the same relation to the amounts shown in said statements as the portion of the current fiscal year from the commencement thereof to the date of the final order of condemnation bears towards an entire fiscal year; provided, that in the event an order permitting the plaintiff to take immediate possession was entered in such action, prior to the payment of any taxes for the fiscal year during which said order was entered, the court shall, for such fiscal year, order the payment of a sum bearing the same relation to the amount of the taxes for such fiscal year, or in the event said amount is not known, to the amount shown in said statement based on the assessed value for the current year and the tax rate for the previous year, as the portion of such fiscal year from the commencement thereof to the date of entry of such order of immediate possession bears towards an entire fiscal year.

In any such action, the payment of the sums ordered by the court to be paid shall be considered to be in lieu of all taxes, current and delinquent, and all penalties and costs, due and payable with respect to the property being condemned, and said judgment shall, in addition to ordering said payments, order the cancellation, as of the date of the judgment, of all taxes, current and delinquent, and all penalties and costs, on said property. Said judgment shall be conclusively binding on all tax collecting agencies upon which the notices were duly served by the clerk of the court.

The subject of the amount of the taxes which may be due on any property shall not be considered relevant on any issue in any such condemnation action, and the mention of said subject, either in the voir dire examination of jurors, or during the examination of witnesses, or as a part of the court's instructions to the jury, or in argument of counsel, or otherwise, shall constitute grounds for a mistrial in any such action.

CHAPTER 1793

An act to amend Section 502 of the Streets and Highways Code, relating to State Highway Route 202.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

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

SECTION 1. Section 502 of the Streets and Highways Code is amended to read:

Route 202

502. Route 202 is from Route 12 near Coyote Wells to Route 27 near Midway Wells via Calexico.

CHAPTER 1794

An act to amend Sections 744.2, 743, and 746.2 of the Agricultural Code, relating to the California Dairy Industry Advisory Board and the fees collected therefor.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 744.2 of the Agricultural Code is amended to read:

Board members Terms

744.2. The terms of office of the members of the board shall be three (3) years, except as provided in this section. The terms of the members appointed prior to the effective date of this amendment shall expire in the rotation theretofore established. Appointments made subsequent to the effective date of this amendment shall be so made that the terms of eight members shall expire at the end of one year, eight at the end of two years and nine at the end of three years. Within one month after the effective date of this amendment and in the month of October of each year thereafter the director shall call meetings as provided in Sections 744 and 744.1 for nominations for memberships to be filled at such times. All future appointments to the board, except interim appointments, shall be made from nominations made in the manner prescribed in Sections 744 and 744.1 hereof. Any vacancy occurring during the unexpired term shall be filled by the director for the unexpired term from the list of eligible nominees from the nominations received by him. The director may remove any member of the board for cause deemed sufficient by him and upon such removal there shall be a vacancy which shall be filled in the manner as hereinbefore provided for the unexpired term.

SEC. 2. Section 743 of said code is amended to read:

California Dairy Industry Advisory Board

743. There is in the State Government the California Dairy Industry Advisory Board which consists of twenty-five (25) members, who shall be citizens and residents of this State. Eleven (11) members of said board shall be actually engaged in the production of milk. These 11 members are the producer members of the board. Eleven (11) members of said board shall be handlers of dairy products. These 11 members are the handler members of the board. Insofar as it is practicable, the proportion of the producer members who produce market milk and the proportion of such members who produce manufacturing milk, and the proportion of the handler members who handle market milk and the proportion of such members who handle manufacturing milk shall be the same as the proportions in which market milk and manufacturing milk are produced in this State as shown by the then most recently available records of the department; but this requirement shall not operate to remove from office any member of the board. The remaining three (3) members of the board shall be producer-handlers who produce a major portion of the milk used in the dairy products

handled by them. Officials or members, otherwise qualified, of corporations, associations, and other business units, which are actually engaged in business as producers, handlers, or producer-handlers of dairy products, shall be eligible to be members of the board.

SEC. 3. Section 746.2 of said code is amended to read:

Computation of fees

746.2. (a) Except as hereinafter provided, for each fiscal year following that in which this chapter is enacted, the fees to be paid hereunder shall be computed and paid in the manner prescribed in the two preceding sections hereof on milkfat produced and handled during the months of October and May in each fiscal year.

Fee increase Election

(b) As soon as practicable after the effective date of this amendment the director shall call a meeting in each marketing area in which a stabilization and marketing plan is in effect. He shall notify each handler, producer, and producer-handler in the area, as shown by the records of the department, who would be affected by the referendum provided for in this section of the date and place of the meeting and may give such other publicity to such meetings as he deems desirable. The purpose of such meetings shall be the discussion of the referendum provided for in this section, its effects upon the individuals affected thereby, and its effect upon the dairy industry. Any member or representative of the board may attend such meeting and participate in the discussions.

(c) Within 90 days after the effective date of this amendment or as soon thereafter as it may be done, the director shall prepare and mail to each handler, producer and producer-handler of market milk as shown in the records of the department a ballot form and self-addressed envelope. The ballot form shall be substantially as follows:

Ballot form

BALLOT
CALIFORNIA DAIRY INDUSTRY ADVISORY BOARD
HANDLERS, PRODUCERS AND PRODUCER-HANDLERS OF
MARKET MILK FEE INCREASE

Shall the fees required from handlers, producers and producer-handlers of market milk be changed from five mills ($0.005) for the months of October and May in each fiscal year to two mills ($0.002) per pound milkfat and collected upon the basis of milkfat of market milk for Class 1 purposes produced and handled in each calendar month following the determination of this referendum?

Yes _____ No _____.

_____
Signature of handler, producer or producer-handler

_____
Address of handler, producer or producer-handler

The provisions of Section 743.1 shall apply to this referendum insofar as they are consistent with this section. If upon a

count of the ballots the director finds that 65 percent or more of the total number of producers voting and 65 percent or more of the total number of handlers voting have assented to the increase he shall make a finding to that effect. If he finds that less than 65 percent of the total number of producers voting or less than 65 percent of the handlers voting have assented to the increase no further proceedings under this amendment shall be had unless authorized by further legislation.

If the director finds that 65 percent or more of the total number of producers voting and 65 percent or more of the total number of handlers voting have assented he shall notify each producer, producer-handler and handler of that fact and of the month for which the increased fee shall first be collected. Thereafter such fees shall be collected at the rate of two mills ($0.002) per pound of milkfat on the basis of the milkfat of market milk for Class 1 purposes produced and handled during each calendar month.

CHAPTER 1795

An act to add Section 561.1 to the Fish and Game Code, relating to fish.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 561.1 is added to the Fish and Game Code, to read:

Permit to possess bait fishes

561.1. Any person engaged for profit in the capture, transport, or sale of live fresh-water fish for bait shall first obtain from the department a permit to possess bait fishes for said purposes. The commission may prescribe the terms of such permits, which shall be issued without charge and may be revoked for violation of the terms thereof.

CHAPTER 1796

An act to amend Sections 689.5, and 689a and 689b of, and to add Sections 689d and 690.27 to, and to repeal Section 689.6 of the Code of Civil Procedure, relating to attachment and execution.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 689.5 of the Code of Civil Procedure is amended to read:

Third party claim. Failure to furnish bond

689.5. Whenever, under Section 689 or 689b of this code a claim has been filed as to property levied on and the plaintiff has

failed to furnish or maintain a sufficient undertaking to authorize the levying officer to continue to hold the property and such officer is unable to find the defendant to deliver the property, the levying officers shall notify the defendant in writing at his last known address, and if within ten (10) days thereafter the levying officer is unable to locate the defendant he must return the property to the party filing the third party claim.

SEC. 2. **Section 689a of the Code of Civil Procedure is amended to read:**

Levying upon personal property under contract for purchase, or chattel mortgage

689a. Personal property in possession of the buyer under an executory agreement of sale and property on which there is a chattel mortgage may be taken under attachment or execution issued at the suit of a creditor of the buyer or mortgagor, notwithstanding any provision in the agreement or mortgage for default or forfeiture in case of levy or change of possession.

SEC. 3. **Section 689b of the Code of Civil Procedure is amended to read:**

Notification to legal owner

689b. (1) Where the property levied upon is a vehicle required to be registered with the Department of Motor Vehicles, the officer shall forthwith determine from the department the name and address of the legal owner of the vehicle and shall notify any such legal owner who is not also the registered owner of such vehicle of the levy by registered mail or personal service.

Sellers, etc., claim

(2) A seller or mortgagee may file with the officer levying on personal property a verified written claim, together with a copy thereof, containing a detailed statement of the sales contract or mortgage and the total amount of sums due or to accrue to him under the contract or mortgage, above set-offs, with interest to date of tender, and also stating therein his address within this State for the purpose of permitting service by mail upon him of any notice in connection with said claim. The officer making the levy may demand and exact the payment or undertaking herein provided for notwithstanding any defect, informality or insufficiency of the verified claim delivered to him.

Demand for claimed debt

(3) Within five days after being served with such verified claim the officer levying on such property must make demand by registered mail on the plaintiff or his attorney for the amount of the claimed debt and interest due to date of tender or the delivery to the officer of an undertaking and statement as hereinafter provided, which demand shall include the copy of such claim.

Deposit by plaintiff

(4) Within five days after receipt by the plaintiff or his attorney of such officer's demand the plaintiff shall deposit with the officer the amount of such debt and interest or deliver the undertaking and statement hereinafter provided, or the levying officer must release the property.

Tender to seller, etc

(5) Within five days after receipt by him of such deposit the officer must pay or tender same to the seller or mortgagee; provided, that should such deposit be made by check the officer shall be allowed a reasonable time for check to clear.

(6) In the case of a sales contract, if the tender is accepted, all right, title, and interest of the seller in the property levied upon shall pass to the party to the action making the payment. Sales contracts Tender accepted

(7) If the tender is refused, the amount thereof shall be deposited with the county treasurer, payable to the order of the seller or mortgagee. Tender refused

(8) Until such payment or deposit covering such claim is made, or the undertaking and statement herein provided delivered to the officer, the property cannot be sold under the levy; but when made (and also in case the seller or mortgagee fails to render his claim within 30 days after the personal service upon him by the levying officer of a written demand therefor, which service must be attested by the officer's certificate thereof, filed before the sale with the papers of the action wherein the attachment or execution was issued), then the officer must retain the property, and, in the case of an execution sell it in the manner provided by law, free of all liens or claims of the seller or mortgagee. Sale of property

(9) When an attachment or execution creditor presents to the officer, within the time allowed from the officer's demand, a verified statement that the sales contract or mortgage is void or invalid for the reasons specified therein, and delivers to the officer a good and sufficient undertaking in double the amount of the indebtedness claimed by the seller or mortgagee or double the value of the personal property as the officer may determine and require, the officer shall retain the property and in case of an execution sell it in the manner provided by law, free of all liens or claims of the seller or mortgagee. Retention, sale, of property

The undertaking shall be made to the seller or mortgagee and shall indemnify him for the taking of the property against loss, liability, damages, costs and counsel fees. Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment.

If such undertaking be given, such officer shall not be liable for damages to any such claimant for the taking, keeping, or sale of such property in accordance with the provisions of this code.

(10) Whenever a verified claim herein is delivered to the officer as herein provided, upon levy of execution or attachment (whether any undertaking hereinabove mentioned be given or not), the plaintiff, or the person in whose favor the writ runs, the claimant, or any one or more such joint claimants, 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 validity of such sales contract or chattel mortgage. Such hearing may be had and taken, and stay of execution or other order made in the same manner as on third party claims under Section 689 of this code. At the conclusion of the hearing the court shall give judgment determining the validity of the claim under the sales contract or chattel mortgage which shall be conclusive between the claimant and the plaintiff, or other person in whose favor the writ runs. The court in which the action is Hearing

pending, or which issued such writ, shall have original jurisdiction in all proceedings under this section.

If the property shall have been released by the officer for want of an undertaking or payment, and final judgment shall go for the plaintiff or other person in whose favor the writ runs, the officer shall retake the property on such writ, if the writ shall still be in his hands, or if the writ shall have been returned, another writ may be issued on which the officer may take such property.

Repeal

SEC 4. Section 689.6 of the Code of Civil Procedure is repealed.

SEC. 5. Section 689d is added to said code, to read:

Hearing

689d. In cases in which a warrant is issued by the State of California, or a department or agency thereof, pursuant to Section 45.10(b) of the Unemployment Insurance Act, or Section 18907, 6776, or 26191 of the Revenue and Taxation Code of said State, for the collection of tax liability owed to said State, a department or agency thereof, a hearing, for the purpose of determining title to the property in question as provided in Section 689 of this code, may be held by the superior court of the county, or city and county, in which the property levied upon is located.

SEC 6. Section 690.27 is added to said code, to read:

Tax exemptions

690 27. In cases in which a warrant is issued by the State of California, or a department or agency thereof, pursuant to Section 45.10(b) of the Unemployment Insurance Act, or Section 6776, 18907, or 26191 of the Revenue and Taxation Code, for the collection of tax liability owed to the State, a department or agency thereof, the tax debtor shall be entitled to the exemptions provided in Sections 690 1 to 690 25, inclusive, and all the provisions of Section 690.26 shall be applicable to the assertion and determination thereof The superior court of the county, or city and county, in which the property levied upon is located shall have jurisdiction to hear and determine the validity of the claim of exemption or the value of the property claimed exempt, whether or not the value of the property determines the right to exemption, in like manner as if the property were levied upon by writ of execution issued by said court.

CHAPTER 1797

An act to amend Sections 26725, 26734, 26738, 26740, 26742, and 26748, and to repeal Section 26736 of the Government Code, relating to fees of the sheriffs.

In effect September 9, 1953

[Approved by Governor July 9, 1953 Filed with Secretary of State July 10, 1953]

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

SECTION 1. Section 26725 of the Government Code is amended to read:

26725. The fee for serving or executing a writ of attachment, execution, or order on real estate is two dollars ($2) a service or posting as to each continuous unbroken parcel or tract, and two dollars ($2) for serving a record owner other than the defendant. Fees Attachment, etc

SEC. 2. Section 26734 of the Government Code is amended to read:

26734. The fee for serving a garnishment, or for making a levy on personal property already in possession of the officer who is holding same under attachment in the same action, is two dollars ($2). Garnishment, etc

SEC. 3. Section 26736 of the Government Code is repealed. Repeal

SEC. 4. Section 26738 of the Government Code is amended to read:

26738. The fee for making a not found return on a summons, affidavit and order, order for appearance, subpena, writ of attachment, writ of execution, order for delivery of personal property, or other process or notice required to be served, certifying that the person or property cannot be found within the judicial district in which the address specified is situated, is one dollar ($1) and mileage. Mileage for one trip only shall be allowed. Fees Not found return on summons, etc

SEC. 5. Section 26740 of the Government Code is amended to read:

26740. The fee for the execution and delivery of a deed or certificate of redemption is two dollars ($2). Execution and delivery of deed, etc

SEC. 6. Section 26742 of the Government Code is amended to read:

26742. The fee for executing and delivering any other instrument is one dollar ($1). Executing, etc., other instruments

SEC. 7. Section 26748 of the Government Code is amended to read:

26748. In addition to the fees provided by this article, the sheriff may collect from the litigant or person requiring his services, besides mileage, his actual expenses for inspecting, checking, releasing, or any other handling of property under his custody, charge, or keeping pursuant to any process, writ, order, paper, or notice, and actual postal charges paid for mailing by registered mail any notice or demand required or authorized by law to be sent by registered mail. Additional charges

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CHAPTER 1798

An act to amend Section 53202 of, and to add Section 53205.5 to, the Government Code, relating to group insurance for public employees.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.] In effect September 9, 1953

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

SECTION 1. Section 53202 of the Government Code is amended to read:

Group policies

53202. In adopting a system, the local agency may purchase from an admitted insurer group policies of life, health and accident insurance or any of them for the benefit of the officers and employees authorizing the purchase. Application for such policies may be made by the local agency upon its own motion or with the consent of the legislative body upon the election of a majority of the employees of the agency. The local agency may deduct from the employees' compensation the premiums upon the insurance and pay the deductions upon the premiums.

SEC. 2. Section 53205.5 is added to said code, to read:

Payments to trustees

53205.5. Subject to any applicable limitations of Section 53205 the legislative body may authorize payments to the trustees of a fund established to procure insurance pursuant to Insurance Code Sections 10202.8 or 10270.5 (a) (4) and may deduct from the employees' compensation amounts for payment to such trustees; provided, that such payments and such deductions must be the same as payments made by other employers for their employees and payments made by the employees of such other employers, respectively to the trustees of said trust fund Subject to the trust agreement, the local agency may receive from the trustees a return of payments up to the aggregate expenditures of the local agency. The excess, if any, shall remain in the fund for the benefit of all of the beneficiaries of the trust or their dependents generally.

CHAPTER 1799

An act to amend Sections 5086, 5087, 7779 and 7780 of, and to add Sections 5086.1, 5086.2, 7779.1 and 7779.2 to, the Education Code, relating to school district public works.

In effect September 9, 1953

[Approved by Governor July 9, 1953 Filed with Secretary of State July 10, 1953.]

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

SECTION 1. Section 5086 of the Education Code is amended to read:

Change of boundaries Assessment

5086. Notwithstanding any change in the boundaries of a state-aided district or the annexation to, or the inclusion in, another district of a state-aided district, the state-aided district as it existed immediately prior to the effective date of such action shall be continued in existence for the determination of the assessed valuation of the property therein and for the purposes of the computations provided by Sections 5054, 5055, 5056, and 5057; and all the computations required to be made pursuant to said sections shall be made exactly as if there had been no such change of boundaries, annexations, or inclusion, except as otherwise provided in Sections 5086 1 and 5086.2.

Property valuation Territory withdrawn from state-aided district, non-state-aided district

SEC. 2. Section 5086 1 is added to said code, to read:

5086.1. Whenever, subsequent to the date on which a conditional apportionment becomes final, territory is withdrawn

from a state-aided district and no portion of the apportionment was expended for school property acquired by the acquiring district:

(1) If the acquiring district is a state-aided district, the assessed valuation in the territory acquired shall be included in determining assessed valuation of the property in the acquiring district, and shall thereafter be excluded in determining assessed valuation of the property in the state-aided district, for purposes of the computations under Sections 5054 to 5057, inclusive;

(2) If the acquiring district is not a state-aided district and the assessed valuation in the territory acquired is less than 10 percent of the total assessed valuation in the state-aided district immediately preceding the withdrawal, the assessed valuation in the territory shall thereafter be excluded in determining the assessed valuation in the state-aided district, and for purposes of the computations under Sections 5054 to 5057, inclusive;

(3) If the acquiring district is not a state-aided district and (2) does not apply, the assessed valuation of the state-aided district for purposes of the computations under Sections 5054 to 5057, inclusive, shall be determined thereafter by dividing the current assessed valuation of such district, by the percentage of the total assessed valuation in such district, immediately preceding the first withdrawal to which this subdivision applies, remaining in the state-aided district upon such withdrawal.

Whenever subdivision (3) applies, liability for the annual repayment computed shall be apportioned between the acquiring district and the state-aided district in the ratio, as of the time of the withdrawal, of the assessed valuation of the territory withdrawn to the assessed valuation in territory remaining in the state-aided district.

SEC. 3. Section 5086.2 is added to said code, to read:

5086.2. Whenever, subsequent to the date on which a conditional apportionment becomes final, any territory is withdrawn from a non-state-aided district and annexed to the state-aided district, the assessed valuation in the territory so annexed shall be included with the valuation of the state-aided district for the purposes of making the computations provided by Sections 5054 to 5057.

SEC. 4. Section 5087 of said code is amended to read:

5087. The State Controller shall compute, in accordance with Sections 5086, 5086.1, and 5086.2, the amount of the annual repayment due the State on account of the apportionment or apportionments to each state-aided district and shall deduct from the respective apportionments made from the State School Fund under Chapter 15 of this division to the state-aided district and an acquiring district the portion thereof for which each is liable under the provisions of this article.

SEC. 5. Section 7779 of said code is amended to read:

7779. Notwithstanding any change in the boundaries of a state-aided district or the annexation to, or the inclusion in,

another district of a state-aided district, the state-aided district as it existed immediately prior to the effective date of such action shall be continued in existence for the determination of the assessed valuation of the property therein and for the purposes of the computations provided by Sections 7726, 7727, 7728, and 7729; and all the computations required to be made pursuant to said sections shall be made exactly as if there had been no such change of boundaries, annexation, or inclusion, except as otherwise provided in Sections 7779.1 and 7779.2.

SEC. 6. Section 7779.1 is added to said code, to read:

7779.1. Whenever, subsequent to the date on which a conditional apportionment becomes final, territory is withdrawn from a state-aided district and no portion of the apportionment was expended for school property acquired by the acquiring district:

(1) If the acquiring district is a state-aided district, the assessed valuation in the territory acquired shall be included in determining assessed valuation of the property in the acquiring district, and shall thereafter be excluded in determining assessed valuation of the property in the state-aided district, for purposes of the computations under Sections 7726 to 7729, inclusive;

(2) If the acquiring district is not a state-aided district and the assessed valuation in the territory acquired is less than 10 percent of the total assessed valuation in the state-aided district immediately preceding the withdrawal, the assessed valuation in the territory shall thereafter be excluded in determining the assessed valuation in the state-aided district, and for purposes of the computations under Sections 7726 to 7729, inclusive;

(3) If the acquiring district is not a state-aided district and (2) does not apply, the assessed valuation of the state-aided district for purposes of the computations under Sections 7726 to 7729, inclusive, shall be determined thereafter by dividing the current assessed valuation of such district by the percentage of the total assessed valuation in such district, immediately preceding the first withdrawal to which this subdivision applies, remaining in the state-aided district upon such withdrawal.

Whenever subdivision (3) applies, liability for the annual repayment computed shall be apportioned between the acquiring district and the state-aided district in the ratio, as of the time of the withdrawal, of the assessed valuation of the territory withdrawn to the assessed valuation in territory remaining in the state-aided district.

SEC. 7. Section 7779.2 is added to said code, to read:

7779.2. Whenever, subsequent to the date on which a conditional apportionment becomes final, any territory is withdrawn from a non-state-aided district and annexed to the state-aided district, the assessed valuation in the territory so annexed shall be included with the valuation of the state-aided

district for the purposes of making the computations provided by Sections 7726 to 7729.

SEC. 8. Section 7780 of said code is amended to read:

7780. The State Controller shall compute, in accordance with Sections 7779, 7779.1, and 7779.2, the amount of the annual repayment due the State on account of the apportionment or apportionments to each state-aided district and shall deduct from the respective apportionments made from the State School Fund under Chapter 15 of this division to the state-aided district and an acquiring district the portion thereof for which each is liable under the provisions of this article.

CHAPTER 1800

An act to add Section 2294 to the Business and Professions Code, relating to the healing arts.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 2294 is hereby added to the Business and Professions Code, to read as follows:

2294. Examinations for the physician's and surgeon's certificate may be conducted by the board under a uniform examination system, and for that purpose the board may make such arrangements with organizations furnishing examination material as may in its discretion be desirable.

Physician's etc., certificate. Examinations

CHAPTER 1801

An act to add Sections 1624.1 and 1635.1 to the Labor Code, relating to private employment agencies.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 1624.1 is added to the Labor Code, to read:

1624.1. Notwithstanding the provisions of Section 1624, the Labor Commissioner may, by rule and regulation, prescribe alternative forms of contracts or receipts which may be used by employment agencies for specific occupations in which the nature and duration of the employment reasonably justifies the use of a contract or receipt different from that set forth in Section 1624.

Alternative forms of contracts

SEC. 2. Section 1635.1 is added to said code, to read:

1635.1. The Labor Commissioner may, by rule and regulation, exempt specific occupations from the provisions of Section 1635, where all of the following conditions prevail:

Exemption of specific occupations

1. The occupation is a profession or an executive position for which workers are customarily recruited outside local areas, and

2. Personal fitness, as determined in an interview with the prospective employer, is a primary consideration in evaluating the applicant's qualifications for the employment, and

3. Prior to being referred to the employment, the applicant waives in writing any rights to reimbursement to which he may be entitled under the provisions of Section 1635; but no such waiver shall be valid if the applicant fails to obtain or accept employment because of any misrepresentation on the part of the agency as to the nature or existence of a job opening, or because the agency had no bona fide order from the employer.

CHAPTER 1802

An act to amend Sections 34270, 34272, and 34278 of, to add Section 34283 to, the Health and Safety Code, relating to housing authorities.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

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

SECTION 1. Section 34270 of the Health and Safety Code is amended to read:

Appointment of housing authority

34270. When the governing body of a city adopts a resolution declaring the need for an authority, it shall promptly notify the mayor of the adoption. Upon receiving the notice and if his office is one filled by election by the people, the mayor, subject to the confirmation of a majority of the members of the governing body where under the charter or general law or ordinance members of other boards or commissions would be subject to confirmation, shall appoint five persons as commissioners of the authority. If the office of the mayor is not elective, the city governing body shall make the appointments.

SEC. 2. Section 34272 of said code is amended to read:

Members' terms

34272. Three of the commissioners first appointed shall be designated to serve for terms of one, two, and three years, respectively, from the date of their appointment, and two shall be designated to serve for terms of four years from the date of their appointments. Their successors shall be appointed for a term of four years except that all vacancies shall be filled for the unexpired term. No commissioner of an authority may be an officer or employee of the county or city for which the authority is created. Any appointment of a successor to a commissioner of a city housing authority shall be made by the mayor if his office is one filled by election by the people, subject to the confirmation of a majority of the members of the governing body where under the charter or general law or ordinance members of other boards or commissions would be subject to confirmation. If the office of mayor is not elective the governing body of

the city shall make the appointment. All appointments of commissioners of a county housing authority shall be made by the governing body of the county.

SEC. 3. Section 34278 of said code is amended to read:

34278. An authority shall select from among its commissioners a vice chairman, and it may employ a secretary, to serve at the pleasure of the commission, who shall be executive director, technical experts, and such other officers, agents, and employees as it requires, and shall determine their qualifications, duties and compensation. Officers

SEC. 4. Section 34283 is added to said code, to read:

34283. The commissioners shall provide by resolution for the time and place of holding their regular meetings. Special meetings may be called by the chairman or by two commissioners, and notice thereof shall be mailed to each commissioner at least 48 hours before the meeting. All of the meetings of the commissioners, whether regular or special, shall be open to the public. All minutes, books of account, accounts and supporting vouchers and data, all plans and specifications, all contracts and changes and modifications thereof, all leases, and all bids which have been opened and either accepted or rejected by the housing authority, shall constitute public records and shall be open to public inspection at all times during office hours. An authority shall supply such information relating to its activity to the governing body of its respective city or county as the governing body may request; provided, however, an authority may declare to be confidential any information contained therein which is not based upon or contained in public records, and any person who wilfully discloses or reveals such confidential information, or any part thereof, is guilty of a misdemeanor. Meetings, information, etc

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CHAPTER 1803

An act to amend Sections 34515, 34518 and 34521 of the Health and Safety Code, relating to housing authorities and to cooperation and cooperation contracts with cities, counties and other public bodies.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.] In effect September 9, 1953

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

SECTION 1. Section 34515 of the Health and Safety Code is amended to read:

34515. A state public body may enter into agreements with a housing authority or the Federal Government respecting action to be taken by the state public body pursuant to this chapter. Notwithstanding any law to the contrary, the agreements may extend over any period of time not to exceed 45 years from the end of the year in which any such project becomes available for occupancy. Such time limitation shall not Contracts with housing authority, Federal Government

apply to any agreements entered into prior to the effective date hereof.

SEC. 2. Section 34518 of said code is amended to read:

State public body. Powers.

34518. A state public body may incur the entire expense of any public improvements made by it in exercising the powers granted in this chapter. Any law to the contrary notwithstanding, a state public body may make any sale, conveyance, lease, or agreement provided for in Sections 34510 to 34517, inclusive, without appraisal, public notice, advertisement, or public bidding.

Prior to entering into any cooperation agreement the governing body of any state public body shall hold a public hearing for the purpose of giving interested persons an opportunity to be heard as to whether such cooperation agreement should be entered into.

Notice of such hearing shall be published once a week for at least two weeks prior to the date of hearing, in a newspaper of general circulation. At least three copies of the proposed cooperation agreement submitted to the governing body shall be available for inspection by interested persons prior to the public hearing.

The cooperation agreement may provide that there shall be a public hearing prior to the approval by the governing body of a county or city of any site for a public housing project.

The executed cooperation agreement shall be conclusive evidence that all proceedings prior thereto under this section have been in full compliance with this section.

SEC. 3. Section 34521 of said code is amended to read:

Authorization by resolution

34521. The exercise by a state public body of the powers granted in this chapter may be authorized by resolution adopted by a majority of the members of its governing body.

CHAPTER 1804

An act to add Section 928a to the Penal Code, relating to grand juries.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

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

SECTION 1. Section 928a is added to the Penal Code, to read:

Grand jury. Investigation of housing authority

928a. The grand jury shall have full and complete authority, at any time, to examine the books, records and accounts of any housing authority in the county and to investigate the operations of any such housing authority and to report as to the facts they have found, with such recommendations as they may deem proper and fit.

In making such examination, the grand jury shall have all the powers granted by Section 928 of this code, and any expenses incurred shall be paid from the same fund and in the

same manner as expenses incurred under Section 928 of this code.

CHAPTER 1805

An act to add Section 151.3 to the Unemployment Insurance Act, and to add Section 2678 to the Unemployment Insurance Code, relating to unemployment compensation disability benefits.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 151.3 is added to the Unemployment Insurance Act, to read:

Sec. 151.3. An individual shall be disqualified from receiving benefits under this article 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.

Disqualification

NOTE. The section of the Unemployment Insurance Code affected by this chapter appears in its proper place in that code, Chapter 308 of 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 151.3, as added to the Unemployment Insurance Act by this act, is repealed.

Effect Stats. 1953, Ch. 308

CHAPTER 1806

An act to amend Section 50 of the Fish and Game Code, relating to licensed game bird clubs.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

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

SECTION 1. Section 50 of the Fish and Game Code is amended to read:

50. In order to foster and increase the upland game bird population in the State of California, any person who owns or controls the shooting rights on a tract of land of not more than 5,000 acres, and who so handles such land as to feed, cover, and water, to make it a more suitable habitat for quail or pheasants, may apply to the commission for a licensed game bird club license authorizing the killing by shooting only, of quail or pheasants, or either, upon such land in accordance with the provisions of this chapter, and the rules and regulations thereon as may be prescribed by the commission, from time to

Licensed game bird clubs

time, for the administration of this act. Such license may be issued for a commercial licensed game bird club where a fee or charge is made for the privilege of shooting thereon; or for a private licensed game bird club of not to exceed 2,500 acres, where no fee or charge is made for the privilege of shooting thereon. If the license is issued for a commercial licensed game bird club, such club must be open to any licensed hunter on shooting days upon payment of such fee or charge as set forth in the application filed by the licensee with the Department of Fish and Game and the licensee shall on each such day allow at least one hunter for each 50 acres in the licensed game bird club; providing the number of birds remaining to be legally taken on such club is equal to or exceeds one legal limit for each permittee on such club. The licensee shall fix at least three shooting days per week including Saturday and Sunday. The commission shall prescribe rules and regulations for the conduct of hunters on such clubs in the interest of safety of hunters, to prevent wastage of game, and to promote orderly operation of the club. If the license is issued for a private licensed game bird club and no fee or charge is made by the licensee for the privilege of shooting thereon, such club shall be open to licensed hunters during the licensed game bird club season authorized for such club by the commission in such numbers and under such conditions as shall be approved by the commission at the time of the issuance of such license as being in the interest of good management of such club. The application shall show the name and address of the applicant; whether the application is for a commercial or private license; the legal description of the tract of land, and description by exterior boundaries of the tract with reference insofar as possible to roads, rivers, railroads or natural boundaries; the species of birds the taking of which the license is applied for; whether the applicant proposes to propagate and rear the birds to be released and if so the location or proposed location where the birds are to be propagated and reared; whether the applicant proposes to purchase birds for release; whether the applicant proposes to charge a fee for the right to shoot birds on his lands and the amount of such fee; and such other information as the commission may require

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CHAPTER 1807

An act to amend Sections 26, 951, and 953 of the Elections Code, relating to direct and presidential primary elections.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 26 of the Elections Code is amended to read:

26. "Direct primary" is the primary election held on the first Tuesday after the first Monday in June in each even-numbered year to nominate candidates to be voted for at the ensuing general election or to elect members of a party central committee. "Direct primary"

SEC. 2. Section 951 of said code is amended to read:

951. For the nomination of all candidates to be voted for at the general election, a direct primary shall be held at the legally designated polling places in each precinct on the first Tuesday after the first Monday in the immediately preceding June. Direct primary Nomination of candidates

SEC. 3. Section 953 of said code is amended to read:

953. The presidential primary shall be held on the first Tuesday after the first Monday in June of each year when electors of President and Vice President of the United States are to be chosen. Presidential primary

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CHAPTER 1808

An act to add Section 1463.1 to the Penal Code, and to add Section 71270 to the Government Code, relating to municipal and justice courts.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 1463.1 is added to the Penal Code, to read:

1463.1. Notwithstanding the provisions of Section 1463, any municipal court or justice court may elect, with prior approval of the county auditor, to deposit in a bank account pursuant to Section 53679 of the Government Code, all moneys deposited as bail with such court, or with the clerk thereof. Deposit of bail receipts

All moneys received and disbursed through such bank account shall be properly and uniformly accounted for under such procedures as the State Controller may deem necessary.

SEC. 2. Section 71270 is added to the Government Code, to read:

71270. In addition to the deputy clerks for which provision is made herein, upon application of any municipality within the judicial district, the clerk may appoint the nominee of such municipality a deputy clerk to perform such clerical functions as may be delegated by the clerk, such as, to receive bail posted for traffic law violations. The compensation, if any, of any such deputy clerk appointed under this section shall not be a county charge, but such appointment shall be solely for the convenience and at the expense of such municipality. Deputy clerks

CHAPTER 1809

An act to amend Section 871 of the Welfare and Institutions Code, relating to expense for support and maintenance of wards of the juvenile court.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 871 of the Welfare and Institutions Code is amended to read:

"Expense for support and maintenance"

871. As used in this article "expense for support and maintenance" includes the reasonable value of any medical services furnished to the ward at the county hospital or at any other county institution, or at any private hospital or by any private physician with the approval of the juvenile court of the county concerned, and the reasonable value of the ward's support at any place of detention established pursuant to the provisions of Article 5 of this chapter or at any forestry camp, juvenile home, ranch or camp established within or without the county pursuant to the provisions of Article 12 or Article 13 of this chapter.

CHAPTER 1810

An act to add Section 422.7 to the Vehicle Code and to add Section 11580.1 to the Insurance Code, relating to evidence of insurance policy or bond as required under the security following accident provisions of the Vehicle Code, and action against the insurer on such policy.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 422.7 is added to the Vehicle Code, to read:

Policy or bond requirements

422.7. Requirements as to Policy or Bond. (a) No policy or bond shall be effective under Section 422.5 unless issued by an insurance company or surety company authorized to do business in this State, except as provided in subdivision (b) of this section, nor unless such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than five thousand dollars ($5,000) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than ten thousand dollars ($10,000) because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to, or destruction of property, to a limit of not less than one thou-

sand dollars ($1,000) because of injury to or destruction of property of others in any one accident, nor if such policy contains a provision contrary to Section 11580.1 of the Insurance Code.

(b) No policy or bond shall be effective under Section 422.5 with respect to any vehicle which was not registered in this State or was a vehicle which was registered elsewhere than in this State at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing such policy or bond is authorized to do business in this State, or if said company is not authorized to do business in this State, unless it shall execute a power of attorney authorizing the department to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident.

(c) Upon receipt of notice of such accident from the department, the insurance company or surety company named in such notice shall notify the department within such time and in such manner as the department may require whenever such a policy or bond was not in effect at the time of such accident.

SEC. 2. Section 11580.1 is added to the Insurance Code, to read:

11580.1. The falsity of any statement, declaration or representation by or on behalf of the insured to obtain a policy insuring against the losses set forth in subdivision (a) of Section 11580 when incident to the ownership, maintenance, operation or use of automobiles, shall not bar the right to recovery under the policy by a judgment creditor proceeding under the provisions of the policy required by subdivision (b) (2) of Section 11580 except where such false statement, declaration or representation

False statements

(a) Was made with actual intent to deceive the insurer; or

(b) Materially affected either the acceptance of the risk or the hazard assumed by the insurer.

SEC. 3. The sections 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 and while in effect shall supersede all other provisions of law to the contrary.

Expiration date

CHAPTER 1811

An act to add Sections 10494.6 and 10494.7 to the Insurance Code, relating to disability insurance.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 10494.6 is added to the Insurance Code, to read:

Supplemental disability benefit plan

10494.6. Any employer who qualifies for a certificate of exemption under Section 10494.5 by virtue of which certificate he maintains a plan for furnishing disability benefits to his employees may, if he elects, make available for the related dependents of his employees, comprising wives, husbands and unmarried dependent children living in the same household, a supplemental plan of disability benefits containing any or all of the following benefits, hospital, surgical and medical; provided, that as to the supplemental plan the Insurance Commissioner finds that all of the following exist:

(a) The supplemental plan shall be separately stated, setting out all of the provisions of coverage among which shall be a provision limiting the amount an individual may receive as a result of a single disability to not more than one thousand dollars ($1,000).

(b) The plan shall set out the respective contributions of the employer and employees. All contributions of employees received or retained by the employer shall be trust funds and shall be separately accounted for by the employer and may not inure to the benefit of the employer in any manner whatsoever.

(c) The plan permits the disabled individual a free choice of physician and hospital.

(d) The employer agrees to assume fifty percent (50%) of the cost of maintaining the plan, and he further agrees to guarantee the benefits if the contributions required for the supplementary benefits are not sufficient to pay the cost of same. The funds necessary to discharge the employer's fifty percent (50%) assumption shall be trust funds and shall be separately accounted for by him.

SEC. 2. Section 10494.7 is added to said code, to read:

Additional regulations

10494.7. With respect to the supplemental plan described in Section 10494.6, the commissioner may, in addition to the regulations permitted by Section 10498 6, promulgate other reasonable regulations covering all matters set forth in Section 10494.6 and this section. The commissioner shall require each employer making available such supplemental plan to post with him security in the form of a bond of an admitted surety insurer conditioned on the payment by the employer of his obligations under the entire plan or of deposits with the commissioner of securities approved by him to secure the payment of such obligations. Such security shall be equal to the greater of (a) twenty-five thousand dollars ($25,000), (b) the estimated contributions of the employees under the entire plan for the ensuing year, (c) the contributions paid by the employees under the entire plan during the preceding year, or (d) one-half of all of the amounts of benefit either paid or incurred by the employer under the entire plan during the preceding year.

If, on examination or investigation of any plan which includes benefits for dependents, the commissioner finds that the aggregate of the trust funds separately held for the supplemental plan and the security in the form hereinabove described may not, in his judgment, be adequate to guarantee the payment

of outstanding and incurred liabilities of the entire plan, he may require the employer to post such additional security as will, in his judgment, be adequate to guarantee the payment of all outstanding and incurred liabilities of the entire plan, and, if the employer fails to post such additional security, he may revoke the employer's certificate of exemption.

CHAPTER 1812

An act to add Chapter 5, comprising Sections 6110 and 6111, to Part 3 of Division 8 of the Harbors and Navigation Code, relating to harbor districts.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 5 is added to Part 3 of Division 8 of the Harbors and Navigation Code, to read:

CHAPTER 5. ANNEXATION

Territory which may be annexed

6110. In the manner provided in this chapter, there may be annexed to a district any of the following territory which is in the same county as the district, or in any other county:

a. Any territory contiguous to the district.

b. Any territory, any point of which touches the district.

c. Any territory separated from the district by a "separating barrier," which term includes a street, road, highway, railway line, railway crossing, railway right of way, watercourse, lagoon, or other natural barrier.

d. Any territory specified in this section may consist of one or more separate parcels of land, but it is not necessary that all parcels shall constitute in the aggregate one tract of land.

Procedure

6111. Any territory specified in Section 6110 may be annexed in the manner provided for sanitary districts in the Health and Safety Code. The alteration of boundaries shall be ordered by the board of supervisors of the county in which the property is located.

CHAPTER 1813

An act to add Section 25372 to the Government Code, relating to education.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 25372 is added to the Government Code, to read:

Surplus property, etc., mentally deficient children

25372. The board of supervisors may make available any surplus personal property, and may lease any buildings or real property not needed for the public purposes of the county, to or for any nonprofit corporation organized for the purpose of care, teaching and training mentally deficient or mentally retarded children, upon such terms and conditions as the board may determine.

CHAPTER 1814

An act to amend Sections 8607, 8754, 8782, 8876, 9151, 9154, 9255, 9351, and 9352; to add the heading of an article to Chapter 3 of Part 3 of Division 2 of the Revenue and Taxation Code; to add Sections 8610 and 8611 to said code; to add Article 2, comprising Sections 8711 to 8715, inclusive, and Article 3, comprising Sections 8721 to 8724, inclusive, to Chapter 3 of Part 3 of Division 2 of said code; and to add Chapter 3.5, comprising Sections 8731 to 8735, inclusive, to Part 3 of Division 2 of said code, relating to the use fuel tax.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 8607 of the Revenue and Taxation Code is amended to read:

"Use"

8607. "Use" includes the placing of fuel into any receptacle on a motor vehicle from which fuel is supplied for the propulsion of the vehicle unless the operator of the vehicle establishes to the satisfaction of the board that the fuel was consumed for a purpose other than the operation of a motor vehicle within this State and, with respect to fuel brought into this State in any such receptacle, the consumption of the fuel in this State. A person placing fuel in a receptacle on a motor vehicle of another who holds a valid use fuel tax permit is not deemed to have used the fuel.

SEC. 2. Section 8610 is added to said code, to read:

"Vendor"

8610. "Vendor" includes every person who sells fuel in this State and places, or causes to be placed, the fuel into any receptacle on a motor vehicle from which receptacle fuel is supplied for the propulsion of the vehicle.

SEC. 3. Section 8611 is added to said code, to read:

"Sell"

8611. "Sell" includes any transfer of title or possession, exchange, or barter, in any manner or by any means whatsoever, for a consideration.

SEC. 4. The heading of an article is added after the heading of Chapter 3 of Part 3 of Division 2 of said code, to read:

Article 1. User

SEC. 5. Article 2 is added to Chapter 3 of Part 3 of Division 2 of said code, to read:

Article 2. Vendor

8711. Every person desiring to become a vendor shall first secure a vendor use fuel tax permit. Vendor use fuel tax permit

8712. Applications for permits shall be made to the board upon forms prescribed by the board. Application

8713. On receipt of an application the board shall issue to the applicant a vendor use fuel tax permit authorizing him to become a vendor of fuel taxable under this part. The permit is valid until canceled, suspended, or revoked. Issuance of permit

8714. Whenever any vendor fails to comply with any provision of this part or any rule or regulation of the board prescribed and adopted under this part, relating to fuel vendors, the board upon hearing, after giving the vendor at least 10 days' notice in writing specifying the time and place of hearing and requiring him to show cause why his permit should not be revoked, may revoke or suspend the permit held by him. The board shall give to the person written notice of the suspension or revocation of his permit. The notices may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination. The board shall not issue a new permit to a vendor whose permit has been revoked unless it is satisfied that he will comply with the provisions of this part and the rules and regulations of the board. A vendor whose permit has been suspended or revoked shall pay to the board a fee of ten dollars ($10) for the reinstatement or issuance of a permit. Revocation, suspension, etc

8715. It is unlawful for any person to operate as a vendor of fuel in this State without a permit or after a permit has been suspended. Operation without permit prohibited

SEC. 6. Article 3 is added to Chapter 3 of Part 3 of Division 2 of said code, to read:

Article 3. Presumptions and Vehicle Identification Cards

8721. The board shall issue to every holder of a valid use fuel tax permit a vehicle identification card for each motor vehicle operated by the holder in which fuel is used. Vehicle identification card

8722. The vehicle identification card shall be carried in the vehicle for which it is issued at all times when the vehicle is operated on the highway and shall be displayed to the vendor at the time fuel is purchased, and upon demand by the board, any representative thereof, or any law enforcement officer. Carried in vehicle

8723. No vehicle identification card is assignable by operation of law or otherwise. It shall be surrendered to the board upon cancellation or revocation of the permit issued to the user or whenever the user ceases to operate the vehicle upon the highways of this State. Non-assignable

8724. It shall be presumed that a vendor is the user of fuel acquired by him unless each user to whom the fuel is sold exhibits to the vendor a use fuel tax permit vehicle identification card for the motor vehicle in which the fuel is used and the Presumption vendor user

vendor records on his sales invoice the name and permit number of the user, as shown on the vehicle identification card.

SEC. 7. Chapter 3.5 is added to Part 3 of Division 2 of said code, to read:

CHAPTER 3.5. COLLECTION OF TAX BY VENDOR

Vehicles registered in another state.

8731. A vendor of fuel for use in a motor vehicle which is registered in another state or country is not deemed to have used the fuel.

Collection of tax

8732. If a user who purchases fuel for use in a motor vehicle which is registered in another state or country does not hold a use fuel tax permit the vendor shall, at the time of sale, collect the tax from the user and give to the user a receipt therefor in the manner and form prescribed by the board.

Tax a debt

8733. The tax required to be collected by the vendor constitutes a debt owed by the vendor to this State.

Copies of receipts

8734. The board may require vendors to submit at such times as it shall designate copies of the receipts given pursuant to Section 8732.

Applicable to vendor

8735. The provisions of Chapters 4 to 9, inclusive, of this part shall apply to any vendor in the same manner as such provisions apply to any user.

SEC. 8. Section 8754 of said code is amended to read:

Time extensions

8754. The board for good cause may extend for not to exceed 30 days the time for making any report or paying any tax 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 user 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. 9. Section 8782 of said code is amended to read:

Limitation on notices

8782. Except in the case of fraud, intent to evade the tax, or failure to make a report, every notice of a deficiency determination shall be given within three years after the date when the amount should have been reported or within three years after the report is filed, whichever period expires the later.

SEC. 10. Section 8876 of said code is amended to read:

Delinquent payments Penalties

8876. Any user who fails to pay any tax, except taxes determined by the board under Article 2 or 3 of this chapter, within the time required shall pay a penalty of 10 percent of the amount of the tax, in addition to the tax, plus interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the tax became due and payable until the date of payment.

SEC. 11. Section 9151 of said code is amended to read:

Excess payments Refunds

9151. 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 by whom the excess was paid to the board or from whom it was collected. If the State Board of Control approves, the excess amount paid or collected shall be credited on any amounts then due and payable from the person under this part, and the balance shall be refunded to the person, or his successors, administrators, executors, or assigns.

Any overpayment of the tax by a user to a vendor who is required to collect the tax and who gives the user a receipt therefor pursuant to Section 8732 shall be credited or refunded by the State to the user.

SEC. 12. Section 9154 of said code is amended to read:

Credit for overpayment

9154. In the case, however, of a determination by the board that an amount not exceeding fifty dollars ($50) was not required to be paid under this part, the board, without obtaining the approval of the State Board of Control, may credit the amount on any amounts then due and payable under this part from the person by whom the amount was paid and may authorize the person to deduct the balance from any amounts to become due from him under this part.

SEC. 13. Section 9255 of said code is amended to read:

Business affairs, etc., confidential

9255. It is unlawful for the board 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 user 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 a user may be furnished, however, to any person owning or having an interest in a motor vehicle 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 arrangement 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.

Misdemeanor

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.

SEC. 14. Section 9351 of said code is amended to read:

Use without paying tax. Penalty

9351. Any person who places or causes to be placed fuel into any receptacle on any motor vehicle from which receptacle fuel is supplied for the propulsion of the vehicle is guilty of a misdemeanor unless a valid use fuel tax permit is held by the

operator of the vehicle or the tax is collected from the user pursuant to Section 8732.

SEC. 15. Section 9352 of said code is amended to read:

Failure to file report Misdemeanor

9352. Any person who fails or refuses to file any report required to be made, or who fails or refuses to furnish a supplemental report or other data required by the board, or who renders a false or fraudulent return is guilty of a misdemeanor and subject to a fine of not exceeding five hundred dollars ($500) for each offense.

CHAPTER 1815

An act to add Section 34328.2 to the Health and Safety Code, relating to prohibited interests in housing projects.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 34328.2 is added to the Health and Safety Code, to read:

Interest in housing project restricted Officials

34328.2. The mayor or any member of the governing body of the city in the case of a city authority or any member of the governing body of the county in the case of a county authority shall not have any direct or indirect interest in any housing project or in any property included or planned to be included in any project, nor shall such persons have any direct or indirect interest in any contract or proposed contract for materials or services to be furnished or used in connection with the construction, repair, or maintenance of any housing project. Nothing contained in this section shall prevent the authority from accepting the lowest bid on a bid contract.

This section has no application to contracts awarded to corporations in which any such person owns less than 1 percent of the entire capital stock.

CHAPTER 1816

An act to add Section 16 to an act entitled "An act relating to the rights, powers, and disabilities of aliens and of certain companies, associations, and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts and parts of acts inconsistent or in conflict herewith," approved as an initiative measure by the electors on November 2, 1920, relating to the ownership,

use, and enjoyment of real property or of rights or interests therein; and making an appropriation.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 10, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 16 is added to the act cited in the title hereof, to read:

Refund under compromise settlements

SEC. 16. This act having been declared unconstitutional by the California Supreme Court, any defendant named in an escheat action pursuant to this act in which a compromise settlement was made or property was escheated prior to such decision, or his successor in interest, shall, upon compliance with this section, be entitled to a refund of all money, or such portion thereof as the court deems equitable, which has been paid to the State under compromise settlement or realized by the State from the property escheated under this act. Refunds shall bear interest at the rate of 3 percent per annum from the date such moneys were deposited in the State Treasury to a date preceding the date of the refund warrant by not more than 30 days, as determined by the Controller.

Verified petition

Any such person may, before April 1, 1954, file a verified petition in the Superior Court of the County of Sacramento showing his claim or right to the refund. The petition shall name as parties respondent any persons other than the petitioner who were defendants in the escheat action with reference to which the petition is filed.

Service

A copy of the petition must be served, within the time and in the manner provided for service of summons in a civil action, on the Attorney General and on the Controller and on all parties respondent, who may answer the same at their discretion and may assert any claims adverse to the claim of the petitioner, within the time and in the manner provided for in civil actions. A copy of such answer must be served on the Attorney General, the Controller and on all other parties petitioner and respondent. In the event an answer asserts, for the first time in the proceeding, claim to the refund or a portion thereof, the Attorney General, the Controller, and all other parties petitioner and respondent may answer same within the time and in the manner provided in this section for answer to the petition. When all parties have had the opportunity to answer and the matter is at issue the court shall set the matter for hearing. The court shall thereupon try the issue as issues are tried in civil actions. The court shall determine the person or persons entitled to the refund and shall grant each such person a certificate under seal of the court stating the amount of the refund to which he is entitled. The court shall make its determination without regard to technicalities of title and shall give weight to the equitable merits of the various claims, and the fact that the payment to the State was made by any particular claimant shall not be controlling.

No costs allowed

No costs of suit shall be allowed against the State of California in any action or proceeding had under this section.

Upon presentation of such certificate the Controller shall draw his warrant for the amount of the refund determined to be due.

Payment precludes further suits

When payment is made by the State pursuant to a petition filed under this section, no suit may thereafter be maintained against the State or any officer thereof for or on account of moneys derived from the escheat action with reference to which the petition was filed and payment made.

Appropriation

There is hereby appropriated from the State Treasury the amount sufficient to pay refunds and interest under this section. That portion of the moneys to be refunded that was deposited in the School Land Fund shall be paid from that fund, and the balance to be refunded, including interest, shall be paid from the General Fund.

CHAPTER 1817

An act to amend Section 69585 of the Government Code, relating to the number of judges of the Superior Court in the County of Kern, and providing for the appointment of an additional judge and for compensation.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

Kern County Superior Court judges Number

SECTION 1. Section 69585 of the Government Code is amended to read:

69585. In the County of Kern there shall be five judges of the superior court.

Additional judge appointed

SEC. 2. Within 10 days after this act becomes a law the Governor shall appoint one judge of the Superior Court in the County of Kern in addition to the superior court judges already provided for by law in said County of Kern who shall hold office until the first Monday after the first day of January, 1955. At the general election to be held in November, 1954, one additional judge of the Superior Court of Kern County shall be elected in said county as provided by law, who shall be the successor of the judge appointed hereunder and who shall hold office for the time prescribed by the Constitution and by law.

Salary

SEC. 3. The salary of the additional judge herein provided for shall be the same in amount and shall be paid at the same time and in the same manner as the salary of the other judges of the Superior Court in Kern County now or hereafter authorized by law.

CHAPTER 1818

An act to amend Section 69593 of the Government Code, relating to the number of judges of the Superior Court in the County of Sacramento, providing for the appointment of an additional judge and for compensation.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 69593 of the Government Code is amended to read:

Sacramento County Superior Court judges. Number

69593. In the County of Sacramento there shall be six judges of the superior court.

SEC. 2. Within 10 days after this act becomes a law the Governor shall appoint one judge of the Superior Court of the County of Sacramento in addition to the superior court judges already provided for by law in said County of Sacramento, who shall hold office until the first Monday after the first day of January, 1955. At the general election to be held in November, 1954, one additional judge of the Superior Court of Sacramento County shall be elected in said county as provided by law, who shall be the successor of the judge appointed hereunder and who shall hold office for the time prescribed by the Constitution and by law.

Additional judge appointed

SEC. 3. The salary of the additional judge herein provided for shall be the same in amount and shall be paid at the same time and in the same manner as the salary of the other judges of the Superior Court in Sacramento County now or hereafter authorized by law.

Salary

CHAPTER 1819

An act to amend Sections 69681, 73521, 73601, 74301, and 69599 of the Government Code, relating to the number and compensation of judges of the municipal and superior court, and providing for the appointment of an additional superior court judge and for compensation.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 69681 of the Government Code is amended to read:

Judges' salaries. San Mateo Superior Court

69681. The annual salary of each judge of the Superior Court of the County of San Mateo is fifteen thousand five hundred sixty dollars ($15,560).

SEC. 2. Section 73521 of said code is amended to read:

Burlingame and San Mateo Municipal Court

73521. There shall be one judge, who shall receive twelve thousand four hundred forty-eight dollars ($12,448) annually.

SEC. 3. Section 73601 of said code is amended to read:

Daly City and South San Francisco Municipal Court

73601. There shall be one judge, who shall receive twelve thousand four hundred forty-eight dollars ($12,448) annually.

SEC 4. Section 74301 of said code is amended to read:

San Carlos and Redwood City Municipal Court

74301. There shall be two judges, each of whom shall receive twelve thousand four hundred forty-eight dollars ($12,448) annually.

SEC. 5. Section 69599 of the Government Code is amended to read:

San Mateo County Superior Court: Judges

69599. In the County of San Mateo there shall be four judges of the superior court.

Additional judge Appointment

SEC. 6. Within 10 days after this act becomes a law the Governor shall appoint one judge of the Superior Court in the County of San Mateo in addition to the superior court judges already provided for by law in said County of San Mateo, who shall hold office until the first Monday after the first day of January, 1955. At the general election to be held in November, 1954, one additional judge of the Superior Court of San Mateo County shall be elected in said county as provided by law, who shall be the successor of the judge appointed hereunder and who shall hold office for the time prescribed by the Constitution and by law.

Salary

SEC. 7. The salary of the additional judge herein provided for shall be the same in amount and shall be paid at the same time and in the same manner as the salary of the other judges of the Superior Court in San Mateo County now or hereafter authorized by law.

CHAPTER 1820

An act to add Section 69608 to the Government Code, relating to the number of judges of the Superior Court in the County of Mendocino, and providing for the appointment of one additional judge and for compensation.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 69608 is added to the Government Code, to read:

Mendocino County Superior Court judges Number

69608. In the County of Mendocino there shall be two judges of the superior court.

Additional judge Appointment

SEC. 2. Within 10 days after the taking effect of this act, the Governor shall appoint one additional judge of the Superior Court in the County of Mendocino in addition to the superior court judge already provided for by law in said County of Mendocino, who shall hold office until the first Monday after the first day of January, 1955. At the general election to be held in November, 1954, one additional judge of the Superior Court of Mendocino County shall be elected in said county as provided by law, who shall be the successor of the judge ap-

pointed hereunder, and who shall hold office for the time prescribed by the Constitution and by law.

SEC. 3. The salary of the additional judge herein provided for shall be the same in amount and shall be paid at the same time and in the same manner as the salary of other judges of the Superior Court in Mendocino County authorized by law. Salary

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CHAPTER 1821

An act to add Article 17.5 to Chapter 10, Title 8 of the Government Code, relating to the municipal court established in the Oxnard-Port Hueneme Judicial District.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Article 17.5 is added to Chapter 10, Title 8 of the Government Code, to read:

Article 17.5. Oxnard-Port Hueneme

74010. This article applies to the municipal court established in a district embracing the Cities of Oxnard and Port Hueneme. Oxnard and Port Hueneme Municipal Court

74011. There shall be one judge who shall receive a salary of nine thousand dollars ($9,000) annually. Salaries Judge

74012. There shall be one clerk who shall receive a minimum salary of two hundred ninety-seven dollars and fifty cents ($297.50) monthly with annual increments of twelve dollars and fifty cents ($12.50), twelve dollars and fifty cents ($12.50), eighteen dollars and seventy-five cents ($18.75), and eighteen dollars and seventy-five cents ($18.75) to a maximum of three hundred sixty dollars ($360) monthly. Clerk

74013. The clerk may appoint three deputies, each of whom shall receive a minimum salary of two hundred thirty-five dollars ($235) monthly with annual increments of twelve dollars and fifty cents ($12.50), twelve dollars and fifty cents ($12.50), twelve dollars and fifty cents ($12.50), and twelve dollars and fifty cents ($12.50) to a maximum of two hundred eighty-five dollars ($285) monthly. Deputy clerks

74014. There shall be one marshal who shall receive a salary of two hundred ninety-seven dollars and fifty cents ($297.50) monthly with annual increments of twelve dollars and fifty cents ($12.50), twelve dollars and fifty cents ($12.50), eighteen dollars and seventy-five cents ($18.75), and eighteen dollars and seventy-five cents ($18.75) to a maximum of three hundred sixty dollars ($360) monthly. Marshal

74015. The marshal may appoint one deputy at a salary of two hundred twenty-two dollars and fifty cents ($222.50) monthly with annual increments of twelve dollars and fifty Deputy marshal

cents ($12.50), twelve dollars and fifty cents ($12.50), twelve dollars and fifty cents ($12.50), and twelve dollars and fifty cents ($12.50) to a maximum of two hundred seventy-two dollars and fifty cents ($272.50) monthly.

Disposition of fees

74016. All fees collected by the marshal or his deputies shall be deposited with the county treasurer.

Sick leave, etc., benefits

74017. All officers and employees shall be entitled to the privileges afforded county employees in the Ventura County salary ordinance with respect to sick leave, vacations, and other benefits.

Operative date

SEC. 2. This act shall become operative January 1, 1955.

CHAPTER 1822

An act to amend Sections 69594 and 69676 of the Government Code, relating to judges of the Superior Court in and for the County of San Bernardino.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 69594 of the Government Code is amended to read:

San Bernardino County Superior Court judges. Number

69594. In the County of San Bernardino there shall be five judges of the superior court.

SEC. 2. Section 69676 of said code is amended to read:

Salary

69676. The annual salary of each judge of the Superior Court of the County of San Bernardino is fifteen thousand five hundred sixty dollars ($15,560).

Additional judge Appointment

SEC. 3. Within 10 days after the taking effect of this act, the Governor shall appoint an additional judge of the Superior Court in the County of San Bernardino in addition to the superior court judges already provided for by law in said County of San Bernardino, who shall hold office until the first Monday after the first day of January, 1955. At the general election to be held in November, 1954, an additional judge of the Superior Court of San Bernardino County shall be elected in said county as provided by law, who shall be the successor of the judge appointed hereunder, and who shall hold office for the time prescribed by the Constitution and by law.

Salary

SEC. 4. The salary of the additional judges herein provided for shall be the same in amount and shall be paid at the same time and in the same manner as the salary of other judges of the Superior Court in San Bernardino County now authorized by law.

CHAPTER 1823

An act to add Chapter 5.6, comprising Sections 2600 to 2631, inclusive, to Division 2 of the Business and Professions Code, relating to the practice of physical therapy.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.6, comprising Sections 2600 to 2631, inclusive, is added to Division 2 of the Business and Professions Code, to read as follows:

CHAPTER 5.6. REGISTERED PHYSICAL THERAPISTS

Article 1. General Provisions

2600. This chapter may be cited as the "Physical Therapists Practice Act." Short title

2601. "Physical therapy" means the treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, or electricity, and by massage and active or passive exercise. The use of roentgen rays and radium, for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used herein. "Physical therapy"

2602. "Physical therapist" or "physiotherapist" means a person who practices physical therapy. "Physical therapist"

2603. "Board" means the Board of Medical Examiners of the State of California. "Board"

Article 2. Registration

2606. A person who has not been registered by the board as a physical therapist shall not represent himself as being so registered. Misrepresentation

2607. The board shall not register any person as a physical therapist who does not conform to the following conditions: Registration requirements

(a) He shall be at least 21 years old.

(b) He shall be of good moral character.

(c) He shall have been graduated from a high school.

(d) He shall comply with any one of the following:

(1) He shall have been graduated from a school of physical therapy approved by the board.

(2) He shall have been graduated from a school of physical education approved by the board, and in addition shall have completed a course in physical therapy approved by the board.

(3) He shall have been graduated from a school of nursing approved by the board, and in addition shall have completed a course in physical therapy approved by the board.

For the purposes of subdivisions (2) and (3) the board shall approve those courses which, when completed, together with the applicant's other educational qualifications, give the applicant a training in physical therapy substantially equivalent to that which would be obtained by graduation from an approved school of physical therapy.

(e) He shall have passed to the satisfaction of the board an examination conducted by it to determine his fitness for practice as a physical therapist.

Application

2608. A person who desires to be registered as a physical therapist shall apply to the board, in writing, on a blank furnished by the board. He shall embody in that application evidence under oath, satisfactory to the board, showing that he possesses the qualifications preliminary to examination required by this chapter. He shall pay to the board at the time of filing his application a fee of twenty-five dollars ($25).

Examinations

2609. The board shall examine applicants for registration as physical therapists at such times and places as it may determine. It may employ registered physical therapists to aid it in such examinations. The examinations shall embrace the following subjects: anatomy, neuroanatomy, physiology, pathology, physics, psychology, kinesiology, physical therapy as applied to medicine, neurology, orthopedics, pediatrics, psychiatry and surgery, and technical procedures in the practice of physical therapy. It shall include practical demonstrations and written and oral tests of fitness for registration.

Registration

2610. The board shall register as a physical therapist each applicant who proves to the satisfaction of the board his fitness for registration under the provisions of this chapter. It shall issue to each person registered a certificate of registration, which shall be prima facie evidence of the right of the person to whom it is issued to represent himself as a registered physical therapist, subject to the conditions and limitations of this chapter.

Annual registration fee

2611. Each person granted registration under the provisions of this chapter shall pay an annual registration fee of two dollars ($2) to the board on or before the first day of January of each year.

Receipt of fee evidence person entitled to practice

2612. Receipt or acknowledgment of payment of the annual registration fee by the secretary-treasurer of the board shall be evidence that the holder and possessor of a certificate of registration is entitled to practice physical therapy for a period of one year from the first day of January.

Failure to pay fee

2613. Failure of any person holding a certificate of registration as a physical therapist to pay the annual registration fee during the time his certificate remains in force shall automatically work a forfeiture of his certificate after a period of 60 days from the first day of January of each year. Such a certificate shall not be restored except upon written application and by the payment of a delinquency fee of ten dollars ($10). No examination shall be required for the reissuance of a certificate that has been forfeited under the provisions of this section.

2614. All fees collected under this chapter shall be paid into the Contingent Fund of the Board of Medical Examiners. The Board of Medical Examiners may employ, subject to civil service regulations, whatever additional clerical assistance, investigators, or other personnel is necessary for the administration of this chapter. All expenses incident to the operation of this chapter shall be paid from the revenue derived therefrom and no part of such expenses shall be a charge against the funds derived in connection with the functions of the Board of Medical Examiners other than that provided in this chapter. Disposition of fees Personnel

Article 3. Refusal, Revocation and Suspension of Registration

2616. After notice and hearing, the board may refuse to register any applicant, and may refuse to renew the registration of any registered person, and may suspend or revoke the registration of any registered person: Disciplinary action: Grounds

(a) Who is guilty of habitual intemperance or who is addicted to the use of narcotic drugs.

(b) Who has been convicted of violating any state or federal narcotic law.

(c) Who has been convicted of any crime involving moral turpitude.

(d) Who is guilty, in the judgment of the board, of gross negligence in his practice as a physical therapist.

(e) Who has obtained or attempted to obtain registration by fraud or material misrepresentation.

(f) Who has been declared insane by a court of competent jurisdiction and has not thereafter been lawfully declared sane.

(g) Who has been convicted of a violation of any of the provisions of this chapter.

2617. 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. Proceedings

Article 4. Restrictions and Penalties

2620. A person who is not registered under this chapter as a physical therapist, or whose registration has been suspended or revoked, or whose registration has lapsed and has not been revived, who uses in connection with his name the words or letters "R. P. T.," "Registered Physical Therapist," or any other letters, words, or insignia indicating or implying that he is a registered physical therapist, or who in any other way, orally, or in writing, or in print, or by sign, directly or by implication, represents himself as a registered physical therapist, is guilty of a misdemeanor. Misrepresenting self as registered physical therapist Misdemeanor

2621. A person who makes a wilfully false oath or affirmation in any case in which an oath or affirmation is required by this chapter, or who obtains or attempts to obtain registration False oath, etc Misdemeanor

by any fraudulent representation shall be guilty of a misdemeanor.

Treatment restricted

2622. A person registered under this chapter as a physical therapist, while acting in the capacity of a registered physical therapist shall not treat human ailments by physical therapy or otherwise except under the supervision and direction of a physician and surgeon. Nothing in this chapter shall be construed as authorizing a physical therapist, whether registered or not, to practice medicine, surgery, or any other form or method of healing except as defined in Section 2601. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Exception

Nothing in this chapter shall prohibit any person who is registered under this chapter as a physical therapist and who is also a licensed physical therapist pursuant to Chapter 5 7 of Division 2 of this code, from performing any act which is authorized either by this chapter or by Chapter 5.7 of Division 2 of this code.

Violations Misdemeanor

2623. Unless otherwise expressly provided, any violation of this chapter is a misdemeanor punishable upon conviction by imprisonment in the county jail not exceeding six months or by fine not exceeding five hundred dollars ($500) or by both.

Application of chapter limited

2624. Nothing contained in this chapter shall be construed to limit or prevent the practice of physical therapy by any person not registered under this chapter, if such person does not represent himself to be a registered physical therapist.

Same

2625. Nothing contained in this chapter shall be construed to apply to any activities of nonregistered nurses permitted by Section 2731 of this code.

Article 5. Powers and Duties of Board

Qualified registrants

2626. Each person engaged in the practice of physical therapy on or prior to the effective date of this chapter may be registered by the board and be issued a certificate as a registered physical therapist, upon submitting evidence satisfactory to the board either (a) that, under the direction of a physician and surgeon licensed under Chapter 5 of Division 2 of this code, he has practiced physical therapy for not less than three years either in a hospital, sanitarium, clinic or office, or (b) that he has taught physical therapy for not less than one year in a school of physical therapy approved by the board, or (c) that he has fulfilled the requirements of subsections (a), (b), (c) and (d) of Section 2607 on or before the effective date of this chapter Evidence of the practice or teaching of physical therapy submitted to the board must show to the satisfaction of the board that such practice or teaching shall have been performed within a five-year period immediately prior to application for certification. All persons holding permanent civil service status as a physical therapist under the State Civil Service Act of the State of California, on the effective date of this act, shall be registered by the board. Applications for certificates under this

section shall be filed with the board within one year from the effective date of this chapter.

Same

2627. All persons who have been administering physical therapy in the Medical Corps of the United States Army, in the Medical Service Corps of the United States Navy, or in the medical service of the United States Air Force, for a period of one year or more prior to the effective date of this chapter, and who hold certificates of completion of training in the physical therapy department of an Army, Air Force, or Navy hospital and can prove to the satisfaction of the board that they have satisfactorily completed training in physical therapy in the physical therapy department of an Army, Air Force, or Navy hospital, may also apply for and be granted registration without examination by the board. Applications for certificates under this section shall be filed with the board within two years from the effective date of this chapter.

Physical therapy schools

2628. For the purposes of Sections 2607 and 2626, the board shall approve each school of physical therapy that proves to the satisfaction of the board that it complies with the essentials of an acceptable school of physical therapy promulgated by the Council on Medical Education and Hospitals of the American Medical Association; provided, that each such school in addition shall comply with all of the provisions of this chapter and the rules of the board adopted pursuant to this chapter.

Nursing schools

2629. For the purposes of Section 2607, the board shall approve each school of nursing which has been approved by the Board of Nurse Examiners pursuant to subdivision (c) of Section 2736.

Rules and regulations. Register of therapists

2630. The board is authorized to adopt reasonable rules to carry this chapter into effect and may amend and rescind such rules at its discretion. The board shall keep a record of its proceedings under this chapter, and a register of all persons registered under it. The register shall show the name of every living registrant, his last known place of business and last known place of residence, and the date and number of his certificate as a registered physical therapist. The board shall, during the month of May of every year in which the renewal of registration is required, compile a list of registered physical therapists authorized to practice physical therapy in the State. Any interested person in the State is entitled to obtain a copy of that list on application to the board and payment of such amount as may be fixed by the board, which amount shall not exceed the cost of the list so furnished.

Blind persons

2631. Blind persons shall not be denied registration solely on the basis of such infirmity.

Saving clause

SEC. 2. 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 declared to be severable.

CHAPTER 1824

An act to amend Section 69600 of the Government Code, relating to the number of superior court judges and providing for the appointment of two additional superior court judges in and for the County of Santa Clara.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

Santa Clara County Superior Court judges Number

SECTION 1. Section 69600 of the Government Code is amended to read:

69600. In the County of Santa Clara there shall be seven judges of the superior court.

Two additional judges Appointment

SEC. 2. Within 10 days after this act becomes a law the Governor shall appoint two judges of the Superior Court in the County of Santa Clara in addition to the superior court judges already provided for by law in said County of Santa Clara, who shall hold office until the first Monday after the first day of January, 1955. At the general election to be held in November, 1954, two additional judges of the Superior Court of Santa Clara County shall be elected in said county as provided by law, who shall be the successors of the judges appointed hereunder and who shall hold office for the time prescribed by the Constitution and by law.

Salary

SEC. 3. The salaries of the additional judges herein provided for shall be the same in amount and shall be paid at the same time and in the same manner as the salaries of the other judges of the Superior Court in Santa Clara County now authorized by law.

CHAPTER 1825

An act to amend Sections 69592 and 69892 of the Government Code, relating to judges of the superior court and attaches, and providing for the appointment of one additional judge of the Superior Court in the County of Riverside and for compensation.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 69592 of the Government Code is amended to read:

Riverside County Superior Court judges Number

69592. In the County of Riverside there shall be four judges of the superior court.

SEC. 2. Section 69892 of said code is amended to read:

Secretaries, assistants

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 two assistant secretaries and not to exceed one additional assistant secretary

for each department of the superior court in the county over three. 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 salary of an assistant secretary shall not be less than two hundred seventy-five dollars ($275) a month.

Additional judge Appointment

SEC. 3. Within 10 days after the taking effect of this act, the Governor shall appoint one additional judge of the Superior Court in the County of Riverside in addition to the superior court judges already provided for by law in said County of Riverside, who shall hold office until the first Monday after the first day of January, 1955. At the general election to be held in November, 1954, one additional judge of the Superior Court of Riverside County shall be elected in said county as provided by law, who shall be the successor of the judge appointed hereunder, and who shall hold office for the time prescribed by the Constitution and by law.

Salary

SEC. 4. The salary of the additional judge herein provided for shall be the same in amount and shall be paid at the same time and in the same manner as the salary of other judges of the Superior Court in Riverside County now authorized by law.

CHAPTER 1826

An act to add Chapter 5.7, comprising Sections 2650 to 2694, inclusive, to Division 2 of the Business and Professions Code, relating to the practice of physical therapy, schools of physical therapy, and the licensing of physical therapists, and prescribing penalties for violations hereof.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.7, comprising Sections 2650 to 2694, inclusive, is added to Division 2 of the Business and Professions Code, to read as follows:

CHAPTER 5.7. PHYSICAL THERAPY

Article 1. Administration

"Board"

2650. "Board" as used in this chapter means the Board of Medical Examiners of the State of California which shall enforce and administer the provisions of this chapter.

Physical Therapy Examining Committee

2651. There is hereby created within the jurisdiction of the board, a Physical Therapy Examining Committee, hereinafter referred to as the examining committee.

Members

2652. The members of the examining committee shall be the following: a physician and surgeon duly licensed by the board, but not a member of the board; three physical therapists, and the first three appointed shall have practiced physical therapy for five years and those appointed thereafter shall have practiced physical therapy for five years and shall be licensed by the board.

Appointment, terms

2653. The members of the examining committee shall be appointed by the Governor for a term of three years. The terms of the members first appointed under this chapter shall expire as follows: one on January 15, 1954; one on January 15, 1955; one on January 15, 1956; one on January 15, 1957.

Terms limited

No person may serve as a member of the examining committee for more than two consecutive terms. Vacancies shall be filled by appointment for the unexpired term. Annually the examining committee shall elect one of its members as chairman.

Removal

The Governor shall have the power to remove any member of the examining committee from office for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

Examination of applicants

2654. It shall be the duty of the examining committee to examine applicants for a license as provided by this chapter, at such places and at such times as shall be designated by the board in its discretion. It may employ licensed physical therapists to aid it in such examination. The examination shall embrace the following subjects: anatomy, pathology, physiology, psychology, physics, electrotherapy, radiation therapy, hydrotherapy, massage, therapeutic exercise, physical therapy as applied to medicine, neurology, orthopedics, surgery, psychiatry, and technical procedures in the practice of physical therapy.

Examining committee. Compensation and expenses

2655. Each member of the examining committee shall receive the sum of fifteen dollars ($15) as compensation for each day spent in the discharge of official duties. In addition, each member shall be reimbursed for his necessary travel and other expenses incurred in the performance of his official duties.

Inspectors, etc.

2656. The board may employ, subject to law, such inspectors, special agents, investigators, clerical assistants and other employees as it may deem necessary to carry out its powers and duties.

Disciplinary proceedings

2657. The procedure in all matters and proceedings relating to the denial, suspension, or revocation of licenses under this chapter shall be governed by the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code of the State of California.

Issuing, revoking, etc., licenses

2658. The board shall have power to issue, suspend, and revoke licenses to practice physical therapy as herein provided.

Annual report

2659. On or before the first day of January of each year the board shall transmit to the Governor a full and true report of all its receipts and disbursements.

Article 2. General Provisions

2660. The term "physical therapy" shall mean the treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, massage, and active, passive, and resistive exercise. The use of roentgen rays and radium, for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used herein, and a license issued hereunder shall not authorize the diagnosis of disease. "Physical therapy"

2661. "Physical therapist" or "physiotherapist" or "physical therapy technician" shall mean a person who practices physical therapy. For all purposes of this chapter the term "physical therapy" and "physiotherapy" shall be deemed identical and interchangeable. Definitions, synonyms

Article 3. Licensing of Practitioners

2665. One year from the effective date of this act, no person not licensed under this chapter shall practice physical therapy in this State for compensation received or expected; provided, however, that this prohibition shall not apply to any of the following: License required

(a) Any activities authorized by their licenses on the part of any persons licensed under this code or any initiative act; Exceptions

(b) Registered physical therapists licensed under Chapter 5.6 of Division 2 of this code;

(c) The practice of physical therapy procedures by registered nurses when such practice is incidental to their conventional nursing duties and is performed under the direct orders and supervision of a person licensed in one of the healing arts;

(d) Any activities of nonregistered nurses permitted by Section 2731 of this code;

(e) Any person employed by any agency, bureau or division of the Government of the United States, while performing the duties of such employment;

(f) The demonstration of any physical therapy equipment by a salesman or merchant engaged in selling such equipment;

(g) The administration of massage, external baths or normal exercise.

2666 All licenses for the practice of physical therapy in this State shall be issued by the board and all applications for such licenses shall be filed with the board. Applications: Fee

Each application shall be accompanied by a fee of twenty-five dollars ($25), shall be signed by the applicant, and shall contain a statement under oath of the facts entitling the applicant to receive a license without examination or to take an examination.

2667. A person holding a license as a physical therapist issued by the board may use the title "licensed physical therapist" or the letters "L.P.T.," or any other words, letters or Use of words, etc., indicating persons licensed restricted

figures which indicate that the person using same is a California licensed physical therapist. No other person shall be so designated or shall use the term licensed physical therapist, licensed physiotherapist or licensed physical therapy technician. The license as a physical therapist shall not authorize the use of the prefix "Dr.," the word "doctor," or any suffix or affix indicating or implying that the licensed person is a doctor or a physician or surgeon.

Persons licensed without examination, etc

2668. The following persons shall be entitled to receive licenses under this chapter without examination and without compliance with Section 2680 of this code; provided, they comply with the requirements of Section 2670 and file their applications on or before one year from the effective date of this act:

(a) All persons who have administered physical therapy as commissioned or noncommissioned officers, or both, in the Medical Corps of the United States Army or in the Medical Service Corps of the United States Navy or in the Medical Service Corps of the United States Air Force for a period of one year or more within the last three years prior to the effective date of this act. Any other provision in this chapter notwithstanding, all persons qualifying under this subdivision may file their applications within one year after discharge from the armed forces of the United States; provided, however, that such discharge is other than dishonorable.

(b) All persons who have practiced physical therapy for at least three years, including at least one year in this State, within the last seven years prior to the effective date of this act, or who have graduated from a school or department of physical therapy within five years prior to December 1, 1953, and have resided in this State for at least one year and commenced the practice of physical therapy in this State prior to December 1, 1953; provided, however, that for the purposes of this section the mere administration of massage, external baths and normal exercise shall not be deemed to constitute the practice of physical therapy.

(c) All persons who have been residents of this State for a period of one year or more immediately prior to the effective date of this act, and who were enrolled as resident students of physical therapy on or before the effective date of this act, and successfully complete courses of training within one year from the effective date of this act, in a school, college or department of physical therapy approved by the board. Such school, college or department of physical therapy shall meet all requirements of Article 4 of this chapter.

Investigation of applicants

2669. The examining committee shall have full authority to investigate each and every applicant for a license without examination or who takes an examination, before a license is issued, in order to determine whether or not such applicant has in fact the qualifications required by this chapter. The examining committee, in cases of doubt, may require that applications for a license without examination must be accompanied by a verified statement of a physician and surgeon, licensed under

Chapter 5 of Division 2 of this code, stating that to his knowledge the applicant is qualified to practice and has practiced physical therapy as defined in Section 2660, and has practiced in this State for at least the minimum period of time required by Section 2668.

Applicant's qualifications

2670. Every applicant for a license under this chapter must at the time of application be a resident of this State and a person over 21 years of age, of good moral character, not addicted to the intemperate use of alcohol or any narcotic drug; and every person applying for a license under this chapter otherwise than under the provisions of Section 2668 must, in addition, have successfully completed courses of training equivalent to the minimum standard established in this chapter for approval by the board.

Examination

2671. Except as provided in Section 2668 of this code no person shall receive a license under this chapter without first successfully passing an examination given under the direction of the examining committee. Such examination must be in writing and shall be conducted by such persons and in such manner and under such rules and regulations as shall be prescribed by the examining committee but must be so conducted that the identity of each applicant taking an examination will be unknown to all of the examiners until all of the papers have been graded.

Passing grade

2672. Every applicant who is otherwise qualified as provided in this chapter and who receives an average grade of 75 percent and does not receive grades below 65 percent in any two subjects shall be granted a license.

Failure to pass Re-examinations

2673. Any applicant who fails to pass the examination given by the examining committee may take another examination in the subjects in which he failed without payment of an additional application fee, but must be so re-examined not less than six months or more than 12 months after the unsuccessful examination. Upon failure of an applicant to pass a second examination the board may require him to complete additional courses of study designated by the board, in which case he shall be required before taking another examination to present to the board satisfactory evidence of having completed the required additional courses and shall pay an additional fee equal to the fee required for filing the original application.

Renewal, etc., of license

2674. Licenses issued under this chapter shall be valid unless sooner revoked or suspended, for the current calendar year in which issued and shall expire on December 31st of such year but shall be renewable upon payment of a renewal fee of five dollars ($5) not later than February 15th of any such succeeding year. Failure to pay the renewal fee within the prescribed time shall result in the automatic forfeiture of the license.

Notice of renewal

2675. On or before November 1st of each year the board shall mail to each licensee hereunder, at the latest address furnished by such licensee to such secretary, a notice that the renewal fee, stating the amount, will be due on or before December 31st of

the then current year and that failure to pay the fee by February 15th of the following year will result in forfeiture of the license.

Article 4. Educational Standards

Applicants' educational requirements

2680. Except as otherwise provided in this chapter all applicants for licenses under this chapter must meet one of the following qualifications:

(a) Graduation from a school of nursing approved by the Board of Nurse Examiners of the State of California;

(b) Graduation from a school of physical education;

(c) Two years of college training in an accredited school or accredited schools including courses in biological and physical sciences; and in addition all applicants shall have successfully completed, in schools approved by the board, and conducted under the supervision of a physician and surgeon licensed under the board, or approved by the board, courses of instruction equivalent to the following minimum standards:

A course of not less than 1,200 hours (reasonably distributed), providing that the minimum length of full time training shall be 12 months, and including the following subjects taught by instructors having the following qualifications:

	Subject	Qualification of instructors
(a)	Applied sciences Anatomy Pathology Physiology Psychology Physics, correlated with other subjects	Physician and surgeon or other instructor qualified in specialty
(b)	Procedures Electrotherapy Radiation therapy (not including X-ray or radium therapy) Hydrotherapy Massage Therapeutic exercise	Licensed or registered physical therapist
(c)	Physical therapy as applied to Medicine Neurology Orthopedics Surgery Psychiatry	For theory, physician and surgeon or other instructor qualified in specialty For practice, licensed or registered physical therapist
(d)	Ethics and administration	Licensed or registered physical therapist

Subject	Qualification of instructors
(e) Electives	Licensed or registered physical therapist
(f) Clinical practice	A physician and surgeon and a licensed or registered physical therapist.

2681. All schools whether situated in this State or not, furnishing courses of study meeting the minimum standard required by Section 2680 of the code shall be approved by the board and shall be entitled to compel such approval, if the same is denied, by action in the Superior Court of the State of California, the procedure and power of the court in which action shall be the same as provided in Section 2174 of this code. Approved schools

Article 5. Suspension, Revocation and Reinstatement of License

2685. The board shall have the power in its discretion, after appropriate proceedings under the Administrative Procedure Act, to suspend for not more than 12 months or to revoke any license issued under this chapter for any of the following causes: Disciplinary action Grounds

(a) Advertising in violation of Section 17500 of the Business and Professions Code;

(b) Fraud in the procurement of any license under this chapter;

(c) Procuring or aiding or offering to procure or aid in criminal abortion;

(d) Conviction of a felony or other crime involving moral turpitude;

(e) Impersonating or acting as a proxy for an applicant in any examination given under this chapter;

(f) Habitual intemperance;

(g) Addiction to the excessive use of any habit-forming drug;

(h) Insanity.

2686. Any license forfeited under this chapter for failure of the license holder to pay a renewal fee may be reinstated by the board at any time on payment of a reinstatement fee of twenty-five dollars ($25). Reinstatement Failure to pay renewal fee

2687. Any license revoked by the board for cause may be reinstated by the board, in its discretion, after one year, upon payment of a reinstatement fee of twenty-five dollars ($25). Reinstatement Revoked license

Article 6. Offenses and Enforcement

2690. Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars ($500) or imprisonment in a county jail not exceeding six months, or by both. Violation a misdemeanor

Article 7. Fiscal Administration

Register of licensees

2692. The board shall keep a record of its proceedings under this chapter, and a register of all persons licensed under it. The register shall show the name of every living licensee, his last known place of residence, and the date and number of his license as a licensed physical therapist. The board shall, during the month of March of every year in which the renewal of license is required, compile a list of licensed physical therapists authorized to practice physical therapy in the State. Any interested person in the State is entitled to obtain a copy of that list upon application to the board and payment of such amount as may be fixed by the board, which amount shall not exceed the cost of the list so furnished.

Monthly collection report

2693. Within 10 days after the beginning of each calendar month the board shall report to the State Controller the amount and source of all collections made under the provisions of this chapter and at the same time pay all such sums into the State Treasury, where they shall be credited to the Physical Therapy Fund, which is hereby created.

Physical Therapy Fund

2694. There is established in the State Treasury the Physical Therapy Fund. All collections under this chapter shall be paid by the board into such fund after report to the State Controller at the beginning of each month of the amount and source of the collections. All money in the Physical Therapy Fund is appropriated to carry out the purposes of this chapter.

Savings clause

SEC. 2. If any section, 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, sentence, clause and phrase hereof irrespective of the fact that any one or more sections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 1827

An act to amend Section 69591 of the Government Code, relating to the number of judges of the Superior Court in the County of Orange.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

Orange County Superior Court Appointment of additional judge

SECTION 1. Within 10 days after the taking effect of this act, the Governor shall appoint one additional judge of the Superior Court of the State of California, in and for the County of Orange, who shall hold office until the first Monday after the first day of January, 1955. At the general election to be held in November, 1954, one judge of the superior court of said county shall be elected in said county who shall be the suc-

cessor to the judge appointed hereunder to hold office for the term prescribed in the Constitution and by law.

SEC. 2. The salary of said additional judge shall be the same in amount and shall be paid at the same time and in the same manner as the salaries of the other judges of said superior court now or hereafter authorized by law. Salary

SEC. 3. Section 69591 of the Government Code is amended to read:

69591. In the County of Orange there shall be five judges of the superior court. Number of judges

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CHAPTER 1828

An act to amend Section 69580 of the Government Code, relating to the number of judges of the Superior Court in the County of Alameda, and providing for the appointment of two (2) additional judges and for their compensation.

[Approved by Governor July 10, 1953 Filed with Secretary of State July 11, 1953] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 69580 of the Government Code is amended to read:

69580. In the County of Alameda there shall be 14 judges of the superior court. Alameda County Superior Court judges: Number

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CHAPTER 1829

An act to amend Section 69586 of the Government Code, relating to judges of the superior court.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 69586 of the Government Code is amended to read: Los Angeles County Superior Court judges Number

69586. In the County of Los Angeles there shall be 80 judges of the superior court, any one or more of whom may hold court.

SEC. 2. Within 90 days after this act goes into effect, the Governor shall appoint 18 additional judges of the Superior Court in and for the County of Los Angeles, in addition to the 62 superior court judges already provided by law in and for the said County of Los Angeles, who shall hold office until the first Monday after the first day of January, 1955. At the next general election to be held in November, 1954, 18 additional judges of the superior court shall be elected in the County of Los Angeles who shall be successors of the judges appointed hereunder, to hold office for the term prescribed by the Constitution and by law. The salaries of the additional judges herein provided for shall be the same in amount and be paid in the Eighteen additional judges Appointment

same manner and at the same time as the salaries of the judges of the Superior Court in and for the County of Los Angeles are now authorized by law.

CHAPTER 1830

An act to add Section 58.1 to the Unemployment Insurance Act and Section 1309 to the Unemployment Insurance Code, relating to disqualification for benefits.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 58.1 is added to the California Unemployment Insurance Act, to read:

Disqualification Leaving employment

Sec. 58.1. Notwithstanding any other provision of this act, 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 act, 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.

NOTE: The section of the Unemployment Insurance Code affected by this chapter appears in its proper place in that code, Chapter 308 of Statutes of 1953, as required by Section 9762 of the Government Code.

Effect. Stats 1953, Ch 308

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 1 added to the Unemployment Insurance Act by this act is repealed.

CHAPTER 1831

An act to amend Section 418 of the Education Code, relating to the compensation of county superintendent of schools.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 418 of the Education Code is amended to read:

418. The annual salary of the county superintendent of schools of a county of the eighteenth class is eight thousand eight hundred twenty dollars ($8,820), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

Ventura County Superintendent of Schools' Salary, etc

CHAPTER 1832

An act to amend Section 407 of the Education Code, relating to the salary of the superintendent of schools of a county of the seventh class.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 407 of the Education Code is amended to read:

407. The annual salary of the county superintendent of schools of a county of the seventh class is nine thousand three hundred dollars ($9,300), and he shall possess a valid general administrative credential issued by the State Board of Education.

San Bernardino County Superintendent of Schools' Salary, etc

CHAPTER 1833

An act to amend Section 72712 of the Government Code, relating to the reporters' salary fund in the municipal court established in a judicial district embracing the City of Los Angeles.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 72712 of the Government Code is amended to read:

72712. There shall be set aside from the revenue of the court a revolving fund in the amount of twenty thousand dollars ($20,000). The fund shall be known as the reporters' salary fund.

Los Angeles Municipal Court 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 twenty thousand dollars ($20,000), 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.

CHAPTER 1834

An act to free certain lands from the public trust for navigation and fisheries, and providing for actions against the State to quiet title and to determine the validity of the title to such lands.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

Land excluded from public trust for navigation, etc.: Hunters Club Tract

SECTION 1. It is hereby determined that the following described lands near Black Point, Marin County, California, sometimes known as Hunters Club Tract, are no longer necessary or useful for navigation or fisheries and such lands are hereby freed from the public trust for navigation and fisheries:

That certain real property situate in the County of Marin, State of California, described as follows:

Description

Beginning at a point distant north 44° 45′ east 812.27 feet from the northwesterly terminus of the course south 67° 02′ east 640.7 feet, as said course is shown upon that certain map entitled "Grandview" Map C being a part of Division "D", eastern part Rancho de Novato, Marin County, California, surveyed January and February, 1906, by George E. Washburn, licensed surveyor, filed in the Office of the County Recorder of Marin County, September 17, 1906, in Book 2 of maps, at page 68; running thence north 44° 45′ east 280.69 feet; thence south 66° 30′ east 549.78 feet; thence south 41° 13′ west 258.04 feet; thence northwesterly in a direct line to the point of beginning.

Sale of land authorized

SEC. 2. Upon application of the owner or owners of record of any lot located in said tract as resubdivided the State Lands Commission is empowered to enter into an agreement for the sale to such record owner or owners of all right, title and interest of the State of California in and to said lot for such consideration as the commission shall determine and upon payment to the commission of the consideration specified in such contract a patent shall issue to said owner or owners in the manner and with the effect provided in Sections 7729 and 7730 of the Public Resources Code.

Quiet title actions authorized

SEC. 3. Any person or persons claiming an interest in the lands described in Section 1 is and are hereby authorized to bring suit against the State of California to quiet title to such lands, or to obtain declaratory relief determining the validity of the title to such lands. In any such action the complaint and summons shall be served upon the Chairman of the State Lands Commission and upon the Attorney General.

CHAPTER 1835

An act to add Section 20802.5 to the Government Code, relating to the State Employees' Retirement System in respect to service creditable to patrol members as highway patrol service.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 20802.5 is added to the Government Code, to read:

Credit for prior service

20802.5. (a) Upon compliance with the provisions of subdivisions (b) and (c) of this section, any state patrol member of this system who is entitled to be credited with state service for time during which he was employed as an investigator by the California Highway Patrol or by the State Department of Motor Vehicles shall be credited with highway patrol service in the amount of time he was so employed in state service as an investigator.

(b) Any state patrol member of this system may, not later than 90 days after notice of his right to have his state service as an investigator in the employment of the California Highway Patrol or in the employment of the State Department of Motor Vehicles credited to him as highway patrol service is mailed by this system to his latest address on file in the office of this system or to the state office or department by which he is currently employed, file with the board his election to have such service so credited and to make contributions to the Retirement Fund as provided in subdivision (c) of this section.

(c) Any state patrol member who has elected to have his state service as an investigator in the employment of the California Highway Patrol or in the employment of the State Department of Motor Vehicles credited to him as highway patrol service shall pay into the Retirement Fund, at times and in a manner fixed by the board, the amount necessary to make the accumulated contributions standing to the credit of his individual account the amount they would be if he had been a state patrol member engaged in highway patrol service during the time he was rendering state service as an investigator in the employment of the California Highway Patrol or in the employment of the State Department of Motor Vehicles, and if the contributions payable by him as such a patrol member had been deducted from his compensation and paid into the Retirement Fund during all of such time.

CHAPTER 1836

An act to amend Sections 312, 419, 478, 521 and 613.2 of the Streets and Highways Code, relating to state highway routes.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 419 of the Streets and Highways Code is amended to read:

Route 119

419. Route 119 is from Route 2 near Gilroy to Route 10.

SEC. 2. Section 521 of said code is amended to read:

Route 221

521. Route 221 is from the Los Angeles International Airport to a point on Route 165, the Harbor Freeway, between Santa Barbara Avenue and Florence Avenue.

SEC. 3. Section 613.2 of said code is amended to read:

Route 209

613.2. Route 209 is from Route 3 near Project City to Shasta Dam.

SEC. 4. Section 312 of said code is amended to read:

Route 12

312. Route 12 is from Point Loma to El Centro via San Diego.

SEC. 5. Section 478 of the Streets and Highways Code is amended to read:

Route 178

478. Route 178 is from Lakewood Boulevard to Manchester Avenue via Carson-Lincoln.

CHAPTER 1837

An act to amend Section 74341 of the Government Code, relating to the compensation of the judges, officers, and attaches of the municipal court.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 74341 of the Government Code is amended to read:

San Diego Municipal Court judges: Number, salary

74341. There shall be six judges each of whom shall receive thirteen thousand eight hundred thirty-one dollars ($13,831) annually.

CHAPTER 1838

An act to repeal Articles 9, 16 and 30 of, and to add Articles 9, 16 and 30 to, Chapter 10, Title 8, of the Government Code, relating to the number and compensation of the judges, offi-

cers and attaches of the El Cajon, Oceanside and South Bay Municipal Courts.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Articles 9, 16 and 30 of Chapter 10, Title 8, of the Government Code are repealed.

SEC. 2. Article 9 is added to Chapter 10, Title 8, of said code, to read:

Article 9. El Cajon Township

El Cajon Municipal Court

73640. This article applies to the municipal court established in a district embracing the Township of El Cajon.

Salaries

Judge

73641. There shall be one judge, who shall receive a salary the same as the salary provided in Section 74341 for the judges of the municipal court established in a district embracing the City of San Diego.

Clerk

73642. There shall be one clerk, who shall receive a minimum salary of four hundred sixty dollars ($460) monthly, with an increment of twenty dollars ($20) after a minimum of six months of service to a maximum of five hundred dollars ($500) monthly after a minimum of 12 months of additional service.

73643. The clerk may appoint:

Deputy clerks

(a) One senior deputy clerk, who shall receive a minimum salary of three hundred thirty dollars ($330) monthly, with an increment of fifteen dollars ($15) after a minimum of 12 months of service to a maximum of three hundred sixty dollars ($360) monthly after a minimum of 12 months of additional service, and who shall work a minimum of 40 hours a week.

(b) Two deputy clerks, each of whom shall receive a minimum salary of two hundred ninety-five dollars ($295) monthly, with an increment of fifteen dollars ($15) after a minimum of six months of service to a maximum of three hundred twenty-five dollars ($325) monthly after a minimum of 12 months of additional service, and each of whom shall work a minimum of 40 hours a week.

(c) One junior deputy clerk, who shall receive a minimum salary of two hundred fifty dollars ($250) monthly, with an increment of fifteen dollars ($15) after a minimum of six months of service to a maximum of two hundred eighty dollars ($280) monthly after a minimum of 12 months of additional service, and who shall work a minimum of 40 hours a week

Marshal

73644. There shall be one marshal, who shall receive a minimum salary of four hundred sixty dollars ($460) monthly, with an increment of twenty dollars ($20) after a minimum of six months of service to a maximum of five hundred dollars ($500) monthly after a minimum of 12 months of additional service

73645 The marshal may appoint:

Deputy marshals

(a) Two deputy marshals, each of whom shall receive a minimum salary of three hundred sixty dollars ($360) monthly, with

an increment of fifteen dollars ($15) after a minimum of six months of service to a maximum of three hundred ninety-five dollars ($395) monthly after a minimum of 12 months of additional service, and each of whom shall work a minimum of 48 hours a week.

(b) One stenographer-clerk, who shall receive a minimum salary of two hundred fifty dollars ($250) monthly, with an increment of fifteen dollars ($15) after a minimum of six months of service to a maximum of two hundred eighty dollars ($280) monthly after a minimum of 12 months of additional service, and who shall work a minimum of 40 hours a week.

Prior service credit

73646. 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. In determining the rate of compensation to be paid to the officers and employees named in this article, service in any city, municipal, or justice's court of the State of California and service in the sheriff's department or constabulary of the County of San Diego shall be deemed to be service in the respective offices and employments in the Municipal Court of El Cajon Judicial District.

Sessions

73647. The municipal court shall hold sessions at such location, or locations, within the El Cajon Judicial District as the Board of Supervisors of the County of San Diego may designate.

SEC. 3. Article 16 is added to Chapter 10, Title 8, of said code, to read:

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 Judge

73951. There shall be one judge who shall receive a salary the same as the salary provided in Section 74341 for the judges of the municipal court established in a district embracing the City of San Diego.

Clerk

73952. There shall be one clerk, who shall receive a minimum salary of four hundred sixty dollars ($460) monthly, with an increment of twenty dollars ($20) after a minimum of six months of service to a maximum of five hundred dollars ($500) monthly after a minimum of 12 months of additional service.

73953. The clerk may appoint:

Deputy clerks

(a) One senior deputy clerk, who shall receive a minimum salary of three hundred thirty dollars ($330) monthly, with an increment of fifteen dollars ($15) after a minimum of 12 months of service to a maximum of three hundred sixty dollars ($360) monthly after a minimum of 12 months of additional service, and who shall work a minimum of 40 hours a week.

(b) Two deputy clerks, each of whom shall receive a minimum salary of two hundred ninety-five dollars ($295) monthly,

with an increment of fifteen dollars ($15) after a minimum of six months of service to a maximum of three hundred twenty-five dollars ($325) monthly after a minimum of 12 months of additional service, and each of whom shall work a minimum of 40 hours a week.

(c) One junior deputy clerk, who shall receive a minimum salary of two hundred fifty dollars ($250) monthly, with an increment of fifteen dollars ($15) after a minimum of six months of service to a maximum of two hundred eighty dollars ($280) monthly after a minimum of 12 months of additional service, and who shall work a minimum of 40 hours a week.

Marshal

73954. There shall be one marshal, who shall receive a minimum salary of four hundred sixty dollars ($460) monthly, with an increment of twenty dollars ($20) after a minimum of six months of service to a maximum of five hundred dollars ($500) monthly after a minimum of 12 months of additional service.

Deputy marshals

73955. The marshal may appoint:

(a) One deputy marshal, who shall receive a minimum salary of three hundred sixty dollars ($360) monthly, with an increment of fifteen dollars ($15) after a minimum of six months of service to a maximum of three hundred ninety-five dollars ($395) monthly after a minimum of 12 months of additional service, and who shall work a minimum of 48 hours a week.

Prior service credit

73956. 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. In determining the rate of compensation to be paid to the officers and employees named in this article, service in any city, municipal or justice's court of the State of California and service in the sheriff's department or constabulary of the County of San Diego shall be deemed to be service in the respective offices and employments in the Municipal Court of the Oceanside Judicial District.

Sessions

73957. The municipal court shall hold sessions in the City of Oceanside, only.

SEC. 4. Article 30 is added to Chapter 10, Title 8, of said code, to read:

Article 30. South Bay Judicial District

South Bay Municipal Court

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.

Salaries Judge

74741. There shall be one judge who shall receive a salary the same as the salary provided in Section 74341 for the judges of the municipal court established in a district embracing the City of San Diego.

Clerk

74742. There shall be one clerk, who shall receive a minimum salary of four hundred sixty dollars ($460) monthly, with an increment of twenty dollars ($20) after a minimum of six

months of service to a maximum of five hundred dollars ($500) monthly after a minimum of 12 months of additional service.

Deputy clerks

74743. The clerk shall appoint:

(a) One senior deputy clerk, who shall receive a minimum salary of three hundred thirty dollars ($330) monthly, with an increment of fifteen dollars ($15) after a minimum of 12 months of service to a maximum of three hundred sixty dollars ($360) monthly after a minimum of 12 months of additional service, and who shall work a minimum of 40 hours a week.

(b) Three deputy clerks, each of whom shall receive a minimum salary of two hundred ninety-five dollars ($295) monthly, with an increment of fifteen dollars ($15) after a minimum of six months of service to a maximum of three hundred twenty-five dollars ($325) monthly after a minimum of 12 months of additional service, and each of whom shall work a minimum of 40 hours a week.

(c) One typist clerk, who shall receive a minimum salary of two hundred fifteen dollars ($215) monthly, with an increment of fifteen dollars ($15) after a minimum of six months of service to a maximum of two hundred forty-five dollars ($245) monthly after a minimum of 12 months of additional service, and who shall work a minimum of 40 hours a week.

Marshal

74744. There shall be one marshal, who shall receive a minimum salary of four hundred sixty dollars ($460) monthly, with an increment of twenty dollars ($20) after a minimum of six months of service to a maximum of five hundred dollars ($500) monthly after a minimum of 12 months of additional service.

Deputy marshals

74745. The marshal shall appoint:

(a) Two deputy marshals, each of whom shall receive a minimum salary of three hundred sixty dollars ($360) monthly, with an increment of fifteen dollars ($15) after a minimum of six months of service to a maximum of three hundred ninety-five dollars ($395) monthly after a minimum of 12 months of additional service, and each of whom shall work a minimum of 48 hours a week.

Prior service credit

74746. 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. In determining the rate of compensation to be paid to the officers and employees named in this article, service in any city, municipal or justice court of the State of California and service in the sheriff's department or constabulary of the County of San Diego shall be deemed to be service in the respective offices and employments in the Municipal Court of the South Bay Judicial District.

Sessions

74747. The municipal court shall hold sessions in the City of Chula Vista, only.

CHAPTER 1839

An act declaring a portion of the land conveyed to the City of Coronado by Chapter 49 of the Statutes of 1923, as amended, unavailable for navigation and commerce and fisheries and excluding such portion from the public trust for navigation, commerce, and fisheries, and declaring such lands to be free from certain trusts, uses and conditions, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 11, 1953.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. It is hereby declared by the Legislature of the State of California that those certain portions of the tide and submerged lands heretofore granted to the City of Coronado by Chapter 49 of the Statutes of 1923 in furtherance of navigation, commerce, and fisheries, such portions being: First, all of that certain parcel in the City of Coronado, identified as Block 173 of Map No. 376, lying between First and Second Streets, and A and B Avenues in the City of Coronado, California, consisting of 3.44 acres; and, second, beginning at Station 171 on the bulkhead line of that portion of San Diego Bay known as Glorietta Bay, said bulkhead line being shown on U. S. E. D. Map of Harbor Lines San Diego Bay, California, dated July 30, 1952, under file No. 423; thence northerly and westerly along said bulkhead line to Station 169 of said bulkhead line; thence S 7° 11′ 10″ W. 232.30 feet to an intersection with Station 18 on the adjudicated mean high tide line of San Diego Bay, described in decree of the Superior Court of San Diego County Case No. 64711 dated August 19, 1931, recorded in Book 17, at page 448 of Official Records of San Diego County, California; thence southerly and easterly along said adjudicated mean high tide line through Stations 17, 16, 15 and 14 to Station 13; thence N. 82° 20′ 29″ E. 251.22 feet to Station 171 on the bulkhead line, said point being the true point of beginning, containing 11.30 acres, are hereby determined to be unavailable for navigation, commerce, or fisheries or for any of the uses, trusts and conditions as set out in Chapter 49 of the Statutes of 1923, as amended, and the lands comprising the above described area are hereby declared to be free from the public use for navigation, commerce, and fisheries and from the uses, trusts and conditions set out in such act.

Land declared free from public use City of Coronado

Description

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

There is at the present time in the City of Coronado an urgent need for new courtroom and jail facilities, the present facilities being grossly inadequate to meet the needs of this rapidly

growing city. Satisfactory space for such facilities cannot be obtained under present conditions existing in this city. In order that such facilities may be constructed at the earliest possible time to relieve the dangerous condition now existing in this city, it is necessary that this act go into immediate effect.

CHAPTER 1840

An act to amend Section 69651 of the Government Code, relating to the judge's salary in the County of Glenn.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 69651 of the Government Code is amended to read:

Glenn County Superior Court Judge's salary

69651. The annual salary of the Judge of the Superior Court of the County of Glenn is eleven thousand five hundred twenty-seven dollars ($11,527).

CHAPTER 1841

An act to amend Section 28146 of the Government Code and Section 446 of the Education Code, relating to compensation for public services in counties of the forty-sixth class.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 28146 of the Government Code is amended to read:

Tuolumne County officers Salaries

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:

Auditor

(a) The auditor, three thousand one hundred twenty dollars ($3,120) a year.

District attorney

(b) The district attorney, four thousand five hundred dollars ($4,500) a year.

Supervisors

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year for all services performed by him, as supervisor and member of the board of equalization; provided, that if and when any county of this class adopts a charter, and the provisions of the charter provide for the election of members of the board of supervisors on a county-wide basis, the salary of each supervisor shall be _____ dollars ($_____) 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 seventy-five dollars ($275) 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.

Official reporter Superior court

(e) Grand jurors and jurors in the superior court shall be paid five dollars ($5) a day for each day's attendance, and ten cents ($0.10) per mile each way per each day of service. 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.

Jurors

(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.

Witnesses

The compensation provided by this section shall be payable to incumbent officers.

Incumbents

SEC. 2. Section 446 of the Education Code is amended to read:

446. The annual salary of the county superintendent of schools of a county of the forty-sixth class is six thousand dollars ($6,000), and if acting as superintendent of a coterminous county unified school district the salary shall be six thousand dollars ($6,000), and he shall possess a valid elementary administrative credential issued by the State Board of Education.

County superintendent of schools

CHAPTER 1842

An act to amend Section 454 of the Education Code, relating to compensation for public service in counties of the fifty-fourth class.

In effect September 9, 1953

[Approved by Governor July 9, 1953 Filed with Secretary of State July 11, 1953]

The people of the State of California do enact as follows:

SECTION 1. Section 454 of the Education Code is amended to read:

Mariposa County Superintendent of Schools Salary, etc

454. The annual salary of the county superintendent of schools of a county of the fifty-fourth class is six thousand dollars ($6,000), and if acting as superintendent of a coterminous county unified school district the salary shall be six thousand dollars ($6,000), and he shall possess a valid elementary administration credential issued by the State Board of Education.

CHAPTER 1843

An act to amend Section 69662 of the Government Code, relating to the salary of the Judge of the Superior Court in and for Mariposa County.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953]

The people of the State of California do enact as follows:

SECTION 1. Section 69662 of the Government Code is amended to read:

Mariposa County Superior Court Judge's salary

69662. The annual salary of the Judge of the Superior Court of the County of Mariposa is eleven thousand five hundred twenty-seven dollars ($11,527).

CHAPTER 1844

An act to amend Section 258 of the Code of Civil Procedure and Section 70141 of the Government Code, relating to court commissioners.

In effect September 9, 1953

[Approved by Governor July 10, 1953 Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

Superior court commissioners Counties with population of 900,000 or more

SECTION 1. Section 258 of the Code of Civil Procedure is amended to read:

258. The superior court of any city and county, and the superior court of every county having a population of 900,000

inhabitants, or more, may appoint not exceeding 10 commissioners, and the superior court of every other county in the State may appoint one commissioner, to assist said court in disposing of its business connected with administration of justice. Each person so appointed shall be designated as "court commissioner" of such county, or city and county as the case may be. Every court commissioner must be a citizen of the United States, a resident of this State, and shall hold office during the pleasure of the courts appointing him. The judges of the superior courts of two or more counties may appoint the same person as court commissioner. The appointment of a court commissioner shall be made by order entered in the minutes of the court.

SEC. 2. Section 70141 of the Government Code is amended to read:

70141. To assist the court in disposing of its business connected with the administration of justice, the superior court of any city and county may appoint not exceeding 10 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.

Same City and county, counties with population less than 2,000,000

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 258 of the Code of Civil Procedure amended by this act is repealed.

Effect Stats 1953, Ch. 206

CHAPTER 1845

An act to amend Section 74261 of, to repeal Sections 74262, 74263, 74264, and 74265 of, and to add Sections 74262, 74263, and 74264 to, the Government Code, relating to the Municipal Court of the City of San Bernardino.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 74261 of the Government Code is amended to read:

74261. There shall be three judges each of whom shall receive eight thousand four hundred dollars ($8,400) annually.

San Bernardino Municipal Court Salaries Judges

SEC. 2. Sections 74262, 74263, 74264, and 74265 of said code are hereby repealed.

Repeal

SEC. 3. Section 74262 is added to said code, to read:

74262. There shall be one clerk who may appoint three court clerks, three clerks IV, two clerks III, and five clerks II.

Clerk, deputies

SEC. 4. Section 74263 is added to said code, to read:

74263. There shall be one marshal who may appoint one chief deputy marshal, two deputy marshals, two deputy bailiffs, and one typist-clerk II.

Marshal, deputies

SEC. 5. Section 74264 is added to said code, to read:

Attaches' Salaries

74264. The monthly salaries for the following positions shall be according to, and shall be increased in accordance with, the schedule set forth below:

	B	C	D	E	F
Municipal court clerk	$378	$397	$417	$438	$460
Court clerk	269	282	296	311	327
Clerk IV	269	282	296	311	327
Clerk III	232	244	256	269	282
Clerk II	200	210	221	232	244
Municipal court marshal	400	400	400	400	400
Chief deputy marshal	296	311	327	343	360
Deputy marshal	269	282	296	311	327
Deputy bailiff	256	269	282	296	311
Typist-clerk II	200	210	221	232	244

The hiring salary for each position shall be the salary in Column "B." A service period of six months shall be required for a salary increase from Column "B" to Column "C" and one additional year's service for a salary increase from Column "C" to Column "D." A service period of 18 additional months shall be required for a salary increase from Column "D" to Column "E" and two additional years' service for a salary increase from Column "E" to Column "F."

CHAPTER 1846

An act to amend Sections 28116, 74221, 74222, and 74223 of the Government Code, relating to compensation for public service in counties of the sixteenth class.

In effect September 9, 1953

[Approved by Governor July 9, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 28116 of the Government Code is amended to read:

Monterey County officers' Salaries

28116. In a county of the sixteenth 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 dollars ($6,000) a year.

District attorney

(b) The district attorney, eight thousand dollars ($8,000) a year.

Supervisors

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year. He shall be allowed mileage at the rate of seven cents ($0.07) a mile in going from his residence to the county seat and returning at each session of the board. If necessary official business requires any supervisor to travel beyond the

boundaries of the county, he shall receive actual necessary 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 shall receive for each day's attendance three dollars ($3), and for every mile actually traveled in attending court as such jurors, in going only, fourteen cents ($0.14). Jurors

The compensation provided by this section shall be payable to incumbent officers. Incumbents

SEC. 2. Section 74221 of said code is amended to read:

74221. There shall be one judge, who shall receive ten thousand dollars ($10,000) annually. Salinas Municipal Court Salaries: Judge

SEC. 3. Section 74222 of said code is amended to read:

74222. There shall be one clerk, who shall receive a minimum salary of three hundred twenty-five dollars ($325) monthly with annual increments of seventeen dollars ($17), nineteen dollars ($19), nineteen dollars ($19) and twenty-one dollars ($21) to a maximum of four hundred one dollars ($401) monthly. Clerk

SEC. 4. Section 74223 of said code is amended to read:

74223. The clerk may appoint: Deputy clerks

(a) One deputy who shall be principal clerk and 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.

(b) Two deputies who shall be senior account clerk and court clerk, each of whom shall receive a minimum salary of two hundred sixty-four dollars ($264) monthly with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15) and seventeen dollars ($17) to a maximum of three hundred twenty-five dollars ($325) monthly.

(c) Four deputies who shall be intermediate clerks, each of whom shall receive a minimum salary of two hundred fifteen dollars ($215) monthly with annual increments of eleven dollars ($11), twelve dollars ($12), thirteen dollars ($13) and thirteen dollars ($13) to a maximum of two hundred sixty-four dollars ($264) monthly.

(d) One deputy who shall be chief deputy of the traffic department and who shall receive a minimum salary of two hundred seventy-eight dollars ($278) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), seventeen dollars ($17) and seventeen dollars ($17) to a maximum of three hundred forty-two dollars ($342) monthly.

CHAPTER 1847

An act to amend Sections 73561, 73562, and 73563 of the Government Code, relating to the municipal court in a district embracing the Cities of Carmel and Monterey.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

Carmel and Monterey Municipal Court Salaries

Judge

SECTION 1. Section 73561 of the Government Code is amended to read:

73561. There shall be one judge, who shall receive ten thousand dollars ($10,000) annually.

Clerk

SEC. 2. Section 73562 of said code is amended to read:

73562. There shall be one clerk, who shall receive a minimum salary of three hundred twenty-five dollars ($325) monthly with annual increments of seventeen dollars ($17), nineteen dollars ($19), nineteen dollars ($19) and twenty-one dollars ($21) to a maximum of four hundred one dollars ($401) monthly.

Deputy clerks

SEC. 3. Section 73563 of said code is amended to read:

73563. The clerk may appoint:

(a) One deputy who shall be principal clerk and 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.

(b) Two deputies who shall be senior account clerk and court clerk each of whom shall receive a minimum salary of two hundred sixty-four dollars ($264) monthly with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and seventeen dollars ($17) to a maximum of three hundred twenty-five dollars ($325) monthly.

(c) Four deputies who shall be intermediate clerks, each of whom shall receive a minimum salary of two hundred fifteen dollars ($215) monthly with annual increments of eleven dollars ($11), twelve dollars ($12), thirteen dollars ($13), and thirteen dollars ($13) to a maximum of two hundred sixty-four dollars ($264) monthly.

(d) One deputy who shall be chief deputy of the traffic department and who shall receive a minimum salary of two hundred seventy-eight dollars ($278) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of three hundred forty-two dollars ($342) monthly.

CHAPTER 1848

An act to add Article 4 to Chapter 2, Part 1, Division 14 of the Health and Safety Code, relating to police protection districts.

[Approved by Governor July 9, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Article 4 is added to Chapter 2, Part 1, Division 14 of the Health and Safety Code, to read:

Article 4. Withdrawal of Territory

Withdrawal authorized

20340. Any portion of a district which will not be benefited by remaining within the district may be withdrawn from the district.

Petition by freeholders

20341. Fifty or more freeholders within the portion desired to be withdrawn from the district, or a majority of such freeholders, if there are less than 100 freeholders within the portion sought to be withdrawn, may file a petition with the board of supervisors requesting the withdrawal of the portion from the district on the ground that it will not be benefited by remaining in the district.

Hearing

20342. The board of supervisors shall fix a time for hearing the petition and for hearing protests to the continuance of the remaining territory as a district. The time for hearing shall not be less than 10 nor more than 30 days after the receipt of the petition.

Notice published Newspapers

20343. The board shall, at least a week prior to the time so fixed, publish a notice of hearing by one insertion in a newspaper circulated in the district, which the board deems most likely to give notice to its inhabitants of the proposed withdrawal.

Posting of notice

20344. The notice shall also be posted in three public places in the district, one of which shall be within the portion of the district desired to be withdrawn, at least one week prior to the time fixed for hearing.

Objections to withdrawal

20345. Any person interested may appear at the hearing and object to the withdrawal of the portion from the district, or to the continuance of the remaining territory as a district.

Boards' action

20346. The board shall consider and pass upon the objections, and if it finds that the portion of the district sought to be withdrawn will not be benefited by remaining in the district, and that the territory not sought to be withdrawn will be benefited by continuing as a district, it shall grant the petition.

Title upon withdrawal

20347. Upon the withdrawal of any territory from a district all property acquired for the district shall remain vested in the county and be used for the purposes of the district.

Incorporation, etc., within city deemed withdrawal

20348. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion shall be deemed withdrawn from the district.

Obligations at time of withdrawal binding

20349. Any portion of a district which is withdrawn from the district shall, nevertheless, be subject to taxation and be otherwise chargeable for the payment and discharge of all of the obligations of the district outstanding at the time of the filing of the petition for the exclusion of the area, as fully as though that portion had not been withdrawn.

CHAPTER 1849

An act to amend Sections 73731, 73732, 73733, 73734, 73735, 73736, 73991, 73992, 73993, 73994, and 73995 of, and to add Sections 73739 and 73998 to, the Government Code, relating to the officers and attaches of the municipal courts in Orange County.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 73731 of the Government Code is amended to read:

Fullerton, etc., Municipal Court Salaries: Judge

73731. There shall be one judge who shall receive a salary of ten thousand dollars ($10,000) annually.

SEC. 2. Section 73732 of said code is amended to read:

Clerk

73732. There shall be one clerk who shall receive a minimum of three hundred fifty-five dollars ($355) monthly with annual increments of twenty dollars ($20), twenty dollars ($20), twenty-two dollars ($22), and twenty-three dollars ($23) to a maximum of four hundred forty dollars ($440) monthly.

SEC. 3. Section 73733 of said code is amended to read:

73733. The clerk may appoint:

Deputy clerks

(a) One assistant clerk, who shall receive a minimum salary of three hundred three dollars ($303) monthly with annual increments of sixteen dollars ($16), eighteen dollars ($18), eighteen dollars ($18), and twenty dollars ($20) to a maximum of three hundred seventy-five dollars ($375) monthly.

(b) Two deputy clerks, 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), sixteen dollars ($16), and eighteen dollars ($18) to a maximum of three hundred thirty-seven dollars ($337) monthly.

(c) One senior account clerk who shall receive a minimum salary of two hundred forty-six dollars ($246) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred three dollars ($303) monthly.

(d) One senior stenographer-clerk who shall receive a minimum salary of two hundred forty-six dollars ($246) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred three dollars ($303) monthly.

SEC. 4. Section 73734 of said code is amended to read:

73734. There shall be one marshal who shall receive a monthly salary of five hundred dollars ($500). Marshal

SEC. 5. Section 73735 of said code is amended to read:

73735. The marshal may appoint:

(a) Two deputy marshals, each of whom shall receive a minimum salary of three hundred three dollars ($303) monthly with annual increments of sixteen dollars ($16), eighteen dollars ($18), eighteen dollars ($18), and twenty dollars ($20) to a maximum of three hundred seventy-five dollars ($375) monthly. Deputy marshals

(b) One senior stenographer-clerk who shall receive a minimum salary of two hundred forty-six dollars ($246) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred three dollars ($303) monthly.

(c) One senior 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.

SEC. 6. Section 73736 of said code is amended to read:

73736. Upon the effective date of the Statutes of 1953, the incumbent officers and attaches shall each retain the same salary step in the salary range made applicable to his position by said statutes as he occupied under the superseded salary range. For the purpose of determining the right to subsequent annual increments, however, the anniversary date shall be the date the officer or attache was first appointed to the position in which the increment is sought. Incumbents

SEC. 7. Section 73739 is added to said code, to read:

73739. The officers and attaches of the municipal court shall be entitled to the same vacation, leaves of absence, compensation during absence from duty for injuries arising out of and in the course of employment, and other similar benefits and privileges as are now or may hereafter be granted to other employees of the County of Orange by the salary ordinance of said county. Vacation, leaves of absence, etc

SEC. 8. Section 73991 of said code is amended to read:

73991. There shall be one judge who shall receive a salary of ten thousand dollars ($10,000) annually. Orange, Tustin, etc., Municipal Court Salaries Judge

SEC. 9. Section 73992 of said code is amended to read:

73992. There shall be one clerk who shall receive a minimum of three hundred fifty-five dollars ($355) monthly with annual increments of twenty dollars ($20), twenty dollars ($20), twenty-two dollars ($22), and twenty-three dollars ($23) to a maximum of four hundred forty dollars ($440) monthly. Clerk

SEC. 10. Section 73993 of said code is amended to read:

73993. The clerk may appoint:

(a) One assistant clerk, who shall receive a minimum salary of three hundred three dollars ($303) monthly with annual increments of sixteen dollars ($16), eighteen dollars ($18), Deputy clerks

eighteen dollars ($18), and twenty dollars ($20) to a maximum of three hundred seventy-five dollars ($375) monthly.

(b) Two deputy clerks, 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), sixteen dollars ($16), and eighteen dollars ($18) to a maximum of three hundred thirty-seven dollars ($337) monthly.

(c) Two senior account clerks who shall receive a minimum salary of two hundred forty-six dollars ($246) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred three dollars ($303) monthly.

(d) One senior stenographer-clerk who shall receive a minimum salary of two hundred forty-six dollars ($246) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred three dollars ($303) monthly.

SEC. 11. Section 73994 of said code is amended to read:

Marshal

73994. There shall be one marshal who shall receive a monthly salary of five hundred dollars ($500). The marshal may appoint:

Deputy marshals

(a) Two deputy marshals, each of whom shall receive a minimum salary of three hundred three dollars ($303) monthly with annual increments of sixteen dollars ($16), eighteen dollars ($18), eighteen dollars ($18), and twenty dollars ($20) to a maximum of three hundred seventy-five dollars ($375) monthly.

(b) One stenographer-clerk who shall receive a minimum salary of two hundred forty-six dollars ($246) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred three dollars ($303) monthly.

(c) One senior 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.

SEC. 12. Section 73995 of said code is amended to read:

Incumbents

73995. Upon the effective date of the Statutes of 1953, the incumbent officers and attaches shall each retain the same salary step in the salary range made applicable to his position by said statutes as he occupied under the superseded salary range. For the purpose of determining the right to subsequent annual increments, however, the anniversary date shall be the date the officer or attache was first appointed to the position in which the increment is sought.

SEC. 13. Section 73998 is added to said code, to read:

Vacations, leaves of absence, etc

73998. The officers and attaches of the municipal court shall be entitled to the same vacation, leaves of absence, compensation during absence from duty for injuries arising out of and in the course of employment, and other similar benefits and privileges as are now or may hereafter be granted to other employees of the County of Orange by the salary ordinance of said county.

CHAPTER 1850

An act to amend Section 443 of the Education Code, relating to compensation for public service in counties of the forty-third class.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 443 of the Education Code is amended to read:

443. The annual salary of the county superintendent of schools of a county of the forty-third class is seven thousand two hundred dollars ($7,200), and he shall possess a valid elementary or secondary teaching credential issued by the State Board of Education.

Glenn County Superintendent of Schools. Salary, etc.

CHAPTER 1851

An act to repeal Section 5699 of the Elections Code and to add Sections 5699 and 5699.1 thereto, relating to time off for voting.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 5699 of the Elections Code is repealed.

SEC. 2. Section 5699 is added to said code, to read:

5699. If a registered voter does not have sufficient time outside of his working hours within which to vote at any general, direct primary or presidential primary election, he may, without loss of pay, take off so much working time as will, when added to his voting time outside his working hours, enable him to vote.

Time off to vote

If an employee has four consecutive hours in which to vote, either between the opening of the polls and the beginning of his regular working shift, or between the end of his regular working shift and the closing of the polls, he shall be deemed to have sufficient time outside of his working hours within which to vote. If he has less than said four consecutive hours, he may take off so much time as will enable him to vote, but not more than two hours of which shall be without loss of pay; provided, that he shall be allowed time off for voting only at the beginning or end of his regular working shift, whichever allows him the most free time for voting and the least time off from his regular working shift, unless otherwise mutually agreed.

If the employee on the third working day prior to the day of the election, knows or has reason to believe, that he will need time off to enable him to vote on election day, he shall give his

employer at least two working days' notice that he desires time off in accordance with the provisions of this section.

SEC 3. Section 5699.1 is added to said code, to read:

Notice to be posted

5699.1. Not less than 10 days before every general, direct primary or presidential primary election, every employer shall keep posted conspicuously at the place of work, if practicable, or elsewise where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of Section 5699 of this code.

CHAPTER 1852

An act to add Section 38.5 to the Public Utility District Act (Chapter 560, Statutes of 1921), and to add Section 16467.1 to the Public Utilities Code, relating to the operation of revenue producing and nonrevenue producing utilities formed under the provisions of the act.

In effect September 9, 1953

[Approved by Governor July 10, 1953 Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 38.5 is added to the Public Utility District Act (Chapter 560, Statutes of 1921), to read:

Fire departments, parks, etc, need not be self-sustaining

Sec. 38.5. Notwithstanding the provisions of Section 38 of this act, fire departments, public parks, public playgrounds, public swimming pools, public recreation buildings and buildings used for a public purpose, need not be operated on a self-sustaining, revenue producing basis. Revenue to defray the cost of acquiring, constructing, installing, maintaining, improving and operating such facilities and to pay the principal and interest and to create reserve and sinking funds on any indebtedness incurred in connection therewith, may be raised in any manner authorized by this act.

SEC. 2. Section 16467.1 is added to the Public Utilities Code, to read:

Same

16467.1. Notwithstanding the provisions of Section 16467 of this code, fire departments, public parks, public playgrounds, public swimming pools, public recreation buildings and buildings used for a public purpose, need not be operated on a self-sustaining, revenue producing basis. Revenue to defray the cost of acquiring, constructing, installing, maintaining, improving, and operating such utilities and to pay the principal and interest and to create reserve and sinking funds on any indebtedness incurred in connection therewith, may be raised in any manner authorized by this division.

Effect. Stats 1953, Ch. 72

SEC. 3. Section 2 of this act becomes operative only if Division 7 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 Division 7 takes effect, at which time Section 38.5 added to the Public Utility District Act by this act is repealed.

CHAPTER 1853

An act to amend Section 7724.1 and add Section 7707.1 to the Education Code, relating to state school building construction.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 7724.1 of the Education Code is amended to read:

7724.1. If any school district receives a final apportionment under this chapter and after the effective date of this section receives money from the Federal Government as reimbursement for any expenditures by the State or school district for constructing any school facilities included in the construction project for which the district is receiving an apportionment, the amount of the district's annual repayment next succeeding the date on which the district receives such money shall be increased by the amount of the money so received; provided, however, that the annual repayment of the district shall not be so increased where the money received from the Federal Government constitutes a contribution toward the cost of school facilities which are to be acquired, in part, with an apportionment, and said federal funds are encumbered or expended by the district in accordance with the purposes of the apportionment.

District's annual repayment

SEC. 2. Section 7707.1 is added to the Education Code, to read:

7707.1. The board shall not make any apportionment with respect to an application for replacing inadequate school facilities unless it has first investigated and made a finding that it would not be economical or good practice to rehabilitate said facilities.

Replacement of facilities. Investigation

CHAPTER 1854

An act to add Sections 5210, 5211, 5291, 5292, 5293, and 5294 to the Business and Professions Code, relating to regulation of outdoor advertising.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 5210 is added to the Business and Professions Code, to read:

5210. The term "freeway" shall be deemed to mean a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access, and which is declared to be such in

"Freeway"

compliance with the Streets and Highways Code of the State of California.

SEC. 2. Section 5211 is added to said code, to read:

"Landscaped freeway"

5211. The term "landscaped freeway" shall be deemed to mean a section or sections of a freeway which is now, or hereafter may be, improved by the planting of at least on one side of the freeway right of way of lawns, trees, shrubs, flowers or other ornamental vegetation which shall require reasonable maintenance.

Planting for the purpose of soil erosion control, traffic safety requirements, reduction of fire hazards, or traffic noise abatement, shall not change the character of a freeway to a landscaped freeway.

SEC. 3. Section 5291 is added to said code, to read:

Advertising displays prohibited

5291. Except as provided in Sections 5292 and 5293, no advertising display shall be placed or maintained on property adjacent to a section of freeway which has been, or hereafter may be, landscaped as defined herein, if the advertising display is designed to be viewed primarily by persons traveling on such landscaped section of a freeway.

SEC. 4. Section 5292 is added to said code, to read:

Removal of structures, signs

5292. Any advertising structure or sign which is now, or hereafter shall be, in violation of the provisions of Section 5291, shall be removed within one (1) year from the effective date of Section 5291, or within one (1) year from the date when the project for the landscaping of a section or sections of a freeway shall have been completed or accepted, and the character of said section or sections shall have been changed from a freeway to a landscaped freeway, whichever is later.

SEC. 5. Section 5293 is added to said code, to read:

Exceptions

5293. The provisions of Section 5291 shall not apply to any advertising structure or sign if the advertising display is used exclusively:

(a) To advertise the sale or lease of the property upon which such advertising display is placed.

(b) To designate the name of the owner or occupant of the premises upon which such advertising display is placed, or to identify such premises.

(c) To advertise goods manufactured or produced, or services rendered, on the property upon which such advertising display is placed.

SEC. 6. Section 5294 is added to said code, to read:

County zoning powers

5294. Nothing in this chapter shall prohibit any county from designating the districts or zones in which advertising displays may be placed or prohibited as part of a county land use or zoning ordinance.

CHAPTER 1855

An act to add Section 19539.5 to the Business and Professions Code, relating to horse racing.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 19539.5 is hereby added to the Business and Professions Code, to read:

Quarter horse racing days

19539.5. In addition to the racing days which may be allowed under other sections of this chapter, the board may allow not to exceed six quarter horse racing days to any licensed quarter horse racing association which conducted quarter horse racing prior to January 1, 1953.

CHAPTER 1856

An act to amend Section 126, and to repeal Section 120, of the Government Code, relating to the acquisition of land in this State by the United States and records and indices thereof.

[Approved by Governor July 10, 1953 Filed with Secretary of State July 11, 1953]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 126 of the Government Code is amended to read:

Acquisition of land within State by United States

126. Notwithstanding any other provision of law, general or special, the Legislature of California consents to the acquisition by the United States of land within this State upon and subject to each and all of the following express conditions and reservations, in addition to any other conditions or reservations prescribed by law:

Conditions

(a) The acquisition must be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, or other public purpose within the purview of clause 17 of Section 8 of Article I of the Constitution of the United States, or for the establishment, consolidation and extension of national forests under the provisions of the act of Congress approved March 1, 1911, (36 Stat. 961) known as the "Weeks Act";

(b) The acquisition must be pursuant to and in compliance with the laws of the United States;

(c) The United States must in writing have assented to acceptance of jurisdiction over the land upon and subject to each and all of the conditions and reservations in this section prescribed;

(d) The conditions prescribed in subdivisions (a), (b), and (c) of this section must have been found and declared to have occurred and to exist, by the State Lands Commission, and the commission must have found and declared that such acquisition is in the interest of the State, certified copies of its orders or

resolutions making such findings and declarations to be filed in the Office of the Secretary of State and recorded in the office of the county recorder of each county in which any part of the land is situate;

(e) In granting this consent, the Legislature and the State reserve jurisdiction on and over the land for the execution of civil process and criminal process in all cases, and the State's entire power of taxation including that of each state agency, county, city, city and county, political subdivision or public district of or in the State; and reserve to all persons residing on such land all civil and political rights, including the right of suffrage, which they might have were this consent not given.

(f) This consent continues only so long as the land continues to belong to the United States and is held by it in accordance and in compliance with each and all of the conditions and reservations in this section prescribed.

(g) Acquisition as used in this section means: (1) lands acquired in fee by purchase or condemnation, (2) lands owned by the United States that are included in the military reservation by presidential proclamation or act of Congress, and (3) leaseholds acquired by the United States over private lands or state-owned lands.

The finding and declaration of the State Lands Commission provided for in subdivision (d) of this section shall be made only after a public hearing. Notice of such hearing shall be published once in a newspaper of general circulation in each county in which the land or any part thereof is situated and a copy of such notice shall be personally served upon the clerk of the board of supervisors of each such county. The State Lands Commission shall make rules and regulations governing the conditions and procedure of such hearings, which shall provide that the cost of publication and service of notice and all other expenses incurred by the commission shall be borne by the United States.

Exception

The provisions of this section do not apply to any land or water areas heretofore or hereafter acquired by the United States for migratory bird reservations in accordance with the provisions of Sections 375 to 380, inclusive, of the Fish and Game Code.

Repeal

SEC. 2. Section 120 of the Government Code is repealed.

CHAPTER 1857

An act to amend Section 817 of the Penal Code, relating to peace officers.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 817 of the Penal Code is amended to read:

817. A peace officer is the sheriff, undersheriff, deputy sheriffs, coroner, deputy coroner, regularly employed and paid as such of a county, marshal of a municipal court, constable of a judicial district, marshal, policeman of a city or town, or any juvenile officer of a city or town engaged in performing juvenile law enforcement functions which are generally performed by the local police department, the superintendent and the special criminal investigators of the Bureau of Criminal Identification and Investigation, the chief and inspectors of the Division of Narcotic Enforcement, a supervisor or guard employed by the Department of Corrections, while acting in the transportation of prisoners and in the apprehension of prisoners who have escaped, and any parole officer of the State Department of Corrections, and any placement or parole officer of the Youth Authority. Peace officers enumerated

Inspectors and investigators regularly employed and paid as such in the office of a district attorney, members of the California Highway Patrol, policemen of the Board of State Harbor Commissioners for San Francisco Harbor, the chief and inspectors of the Bureau of Food and Drug Inspection, inspectors and investigators of the California State Board of Pharmacy not exceeding 10 in number, investigators of the Board of Medical Examiners of the State of California, special investigators of the Board of Osteopathic Examiners of the State of California, and investigators of the Board of Chiropractic Examiners of the State of California are respectively peace officers for the purpose only of carrying out the duties of their respective employments.

When in any law a public officer or employee is designated as, given the powers of, or determined to be, a peace officer, such officer or employee shall be deemed to be a peace officer but only for the purpose of that law.

The restriction of peace officer functions of any public officer or employee shall not affect his status for purposes of retirement.

CHAPTER 1858

An act to add Sections 122 and 122.1 to the Labor Code, relating to workmen's compensation and insurance.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 122 is added to the Labor Code, to read:

122. The chairman may appoint a medical director and assistants who shall possess physician's and surgeon's certificates granted under the provisions of Chapter 5, Division 2, of the Business and Professions Code. The salaries for the medical director and his assistants shall be fixed by the State Personnel Board. Medical director and assistants

SEC. 2. Section 122.1 is added to said code, to read:

Medical examinations

122.1. The commission may make arrangements with physicians who possess physician's and surgeon's certificates under the provisions of Chapter 5, Division 2, of the Business and Professions Code to make medical examinations and report their findings and recommendations based upon such examinations. The commission shall pay for such services out of any funds appropriated for that purpose or for the support of its medical bureau.

CHAPTER 1859

An act to amend Section 506.6 of the Public Resources Code, and to add Article 5 to Chapter 2 of Division 1 of the Water Code, relating to the Department of Natural Resources and the State Park Commission and transferring beach erosion control functions from the Department of Natural Resources to the Department of Public Works.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 506.6 of the Public Resources Code is amended to read:

State Park Commission: Employees

506.6. The State Park Commission is hereby authorized and directed to appoint, in accordance with civil service and other provisions of law, such officers and other expert and clerical assistants as it may deem necessary.

SEC. 2. Article 5 is added to Chapter 2 of Division 1 of the Water Code, to read:

Article 5. Beach Erosion Control

Beach erosion, etc: Studies

330. The department, either independently or in cooperation with any person or any county, state, federal or other agency, to the extent that funds are available therefor, shall study and report upon problems of beach erosion and means for the stabilization of beaches and shore line areas.

Cooperation with other agencies

331. To the extent that funds are available therefor, the department shall cooperate with all agencies of government, federal, state, and local, for the purposes of beach erosion control and stabilization of beaches and shore line areas, and shall act in an advisory capacity on beach erosion control and stabilization of beaches and shore line areas when requested by any public agency of the State or by any agency of the Federal Government.

Plans, construction Cooperation with other agencies

332. The department shall prepare plans for and construct such works as its studies and investigations indicate to be necessary for beach erosion control and stabilization of beaches and shore line areas, to the extent that funds are available therefor. In the preparation of such plans and construction of works

therefor the department may cooperate by contract or otherwise with the Beach Erosion Board of the United States or with any other federal, state, county or municipal agency, or with any or all such agencies, upon such terms and conditions and in such manner as will be for the best interests of the State.

333. When state funds are made available on a matching basis to be expended in connection with any federal project for beach erosion control or stabilization of beaches and shore line areas, such funds shall be administered by the department subject to approval of the Director of Finance. Administration of funds

334. Any plans for construction of beach erosion control works which may in any way affect recreational beaches under the ownership or control of the State Park Commission shall be subject to approval by the State Park Commission. State Park Commission approval

SEC. 3. All reports, records, plans, data, and any other documents relating to beach erosion control of the Department of Natural Resources or any division or agency thereof shall be transferred to the Division of Water Resources of the Department of Public Works. Reports, records, etc

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CHAPTER 1860

An act to amend Section 25630 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 25630 of the Business and Professions Code is amended to read:

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 a school district, city, county, state or national election is in progress, during the hours when by law the polls are required to be kept open for voting, shall be guilty of a misdemeanor. Sale, etc., of alcoholic beverage during voting hours a misdemeanor

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CHAPTER 1861

An act to amend Section 27183 of, and to add Section 27188 to, the Streets and Highways Code, relating to bridge and highway districts.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.] In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 27183 of the Streets and Highways Code is amended to read:

27183. The engineer, under the direction of the general manager, shall have full charge of the constructions and of the Construction, etc., under engineer

works of the district. No person shall serve or act as engineer unless he is a licensed civil engineer under the laws of this State.

SEC. 2. Section 27188 is added to said code, to read:

Bridges, etc., to be insured

27188. The board of directors shall, for the protection of a bridge and highway district, insure any bridge or other facility constructed or acquired under the provisions of this act against all risks in an 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 or facility. Any such bridge or facility may be insured irrespective of the retirement of all indebtedness incurred for its construction or acquisition, and the cost of such insurance shall be paid from any funds available to the district.

CHAPTER 1862

An act to add Section 27173.5 to the Streets and Highways Code, relating to bridge and highway districts.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 27173.5 is added to the Streets and Highways Code, to read:

Construction, repair work. Bids

27173.5. Whenever the estimated expenditure is in excess of two thousand dollars ($2,000), the district shall advertise for bids for all construction or repair work at least once a week for two successive weeks in at least one newspaper and not more than three newspapers designated by the board, which are published in each county or portion of a county within the district.

Emergency repairs

In case of emergency repairs necessitated by landslide, flood, storm or wind damage, accident, or other casualty, tools or equipment may be rented for a period of not to exceed 15 days after the occurrence of such emergency without advertising or competitive bidding.

Bonded debt retirement

Under the provisions of Section 27281, the board shall retire any bonded debt in full, in as short a time as, in the prudent judgment of the board, is economically feasible.

CHAPTER 1863

An act to add Section 4.1 to the Drainage District Improvement Act of 1919 (Chapter 354, 1919 Statutes), relating to the appointment of an engineer of construction, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 4.1 is added to the Drainage District Improvement Act of 1919, to read:

Sec. 4.1. Any provisions elsewhere in this act to the contrary notwithstanding, the board of supervisors, by resolution entered in its minutes, may appoint any person, other than the county surveyor, as the engineer of construction, providing said person is a licensed engineer, and said county surveyor shall thereupon have no further powers or duties under the provisions of this act. Said engineer of construction so appointed shall be the person who shall be instructed to, and who shall, prepare the plans and specifications for any improvement under this act; and the person who shall be appointed to, and who shall, superintend the work of said improvement instead of the county surveyor. Said engineer of construction so appointed shall also have all the other powers, duties and obligations which by this act are given to, or exacted of, the county surveyor. The compensation of said engineer of construction so appointed, or the rate or basis for computing the same, shall be fixed and stated in said resolution of appointment.

Engineer of construction. Appointment

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, therefore, go into effect immediately. The facts constituting such necessity are:

Urgency

In a drainage improvement district organized under this act in Kern County in this State, the need exists for immediate preparation of engineering plans for drainage in order to meet the danger of a diversion of floodwaters for the winter of 1953. Expert opinion has been received that said district may experience a series of unusual rains in the winter of 1952 and 1953. The county surveyor in said county does not have sufficient facilities to prepare such plans and specifications within the time, and if the appointment of another person to do said work must await the ordinary time in which legislation would take effect, it would delay action of preparation for said danger of floodwaters until the following year, thus leaving said district with a menace to the safety of its inhabitants from floods.

CHAPTER 1864

An act to amend Sections 8751 and 8752 of the Revenue and Taxation Code, relating to use fuel tax returns and payments.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 8751 of the Revenue and Taxation Code is amended to read:

8751. The excise tax imposed by this part is due and payable monthly on or before the twenty-fifth day of the month following each calendar month in which a taxable use of fuel occurs.

Tax due date

SEC. 2. Section 8752 of said code is amended to read:

Report of fuel used

8752. On or before the twenty-fifth day of each month, every user shall file on forms prescribed by the board a report showing the amount of fuel used during the preceding calendar month by the user in this State and such other information as the board may require to carry out the purposes of this part.

CHAPTER 1865

An act to amend Sections 7305, 7306, 7705 and 8101 of, and to add Section 7656 to, the Revenue and Taxation Code, relating to motor vehicle fuel license tax liability upon the distribution and importation of motor vehicle fuel, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 7305 of the Revenue and Taxation Code is amended to read:

"Distribution"

7305. "Distribution" includes any of the following:

(a) The refining, manufacturing, producing, blending, or compounding of motor vehicle fuel in this State, and the sale, donation, consignment for sale, barter, or use of the fuel in this State.

(b) The refining, manufacturing, producing, blending, or compounding of motor vehicle fuel in this State from petroleum products owned by another and the delivery of the fuel in this State to the owner thereof or to any person on his order.

(c) The importing of motor vehicle fuel into this State, and the sale, donation, consignment for sale, barter, or use of the fuel in this State unless the State is prohibited by the Constitution or laws of the United States from imposing a tax with respect to such sale, donation, consignment for sale, barter or use; provided, however, that motor vehicle fuel brought into this State in the usual and ordinary fuel supply tank connected to the engine of a motor vehicle shall not be deemed to be "imported" if not removed from such tank except as used for the propulsion of such engine, except to the extent such fuel was acquired tax free for export or a refund of tax was claimed on account of exportation from the state from which such fuel was transported into this State.

(d) The receiving in this State of motor vehicle fuel with respect to which there has been no prior taxable distribution and the sale, donation, consignment for sale, barter, or use of the fuel in this State.

(e) The withdrawal of motor vehicle fuel from storage in this State for the purpose of the sale, donation, consignment for sale, barter or use of the fuel in this State if the consummation of such purpose does not otherwise constitute a distribution taxable

under this part, in which event the license tax with respect to the fuel withdrawn from storage is measured by the gallonage thereof thus sold, donated, consigned for sale, bartered or used.

SEC. 2. Section 7306 of said code is amended to read:

"Distributor"

7306. "Distributor" includes every person who, within the meaning of the term "distribution" as defined in this chapter, distributes motor vehicle fuel and also includes every person who refines, manufactures, produces, blends or compounds motor vehicle fuel in this State and every person who imports motor vehicle fuel into this State or who receives in this State motor vehicle fuel of which there has been no prior taxable distribution. "Distributor" does not include any person who brings motor vehicle fuel into this State in the usual and ordinary supply tank connected to the engine of a motor vehicle if such fuel is not removed from the tank except as used for the propulsion of such engine, except to the extent such person acquires the fuel tax free for export or claims a refund of tax paid on account of exportation from the state from which such fuel is transported into this State.

SEC. 3. Section 7656 is added to said code, to read:

Tax report, payment Extension of time

7656. The board for good cause may extend for not to exceed five days the time for making any report or paying any tax 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 distributor 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 7705 of said code is amended to read:

Weekly tax installment penalty

7705. If any distributor fails to pay any weekly installment of tax shown to be due by his return on the Tuesday when required to be paid, a penalty of 5 percent shall be added thereto. In addition, if any weekly installment of tax remains unpaid on the first day of the second calendar month following the month during which the last of the distributions occurred on which the weekly installment was levied, a penalty of 10 percent of the installment, exclusive of penalties, shall be added thereto.

The weekly installment shall be deemed not paid or unpaid on any particular day:

(a) If not paid prior to 5 p.m. of that day, when paid in person.

(b) If the envelope in which the remittance is enclosed bears a post-office cancellation mark dated later than that day, when paid by mail.

SEC. 5. Section 8101 of said code is amended to read:

Tax reimbursement, repayment

8101. The following persons who have paid a license tax for motor vehicle fuel, either directly or to the vendor from whom it was purchased, or indirectly by the adding of the amount of

the tax to the price of the fuel, shall be reimbursed and repaid the amount of the tax:

(a) Any person who buys and uses the motor vehicle fuel for purposes other than in motor vehicles operated upon the public highways of the State.

(b) Any person who exports the motor vehicle fuel for use outside of this State. Motor vehicle fuel carried from this State in the fuel tank of a motor vehicle is not deemed to be exported from this State unless the motor vehicle fuel becomes subject to tax as an "import" under the laws of the destination state.

(c) Any employee of the United States who buys the motor vehicle fuel and uses it exclusively in the transportation of rural free delivery mail and special delivery mail.

(d) Any person who sells the motor vehicle fuel to the armed forces of the United States for use in ships or aircraft or for use outside this State, under circumstances that would have entitled him to an exemption from the payment of the license tax under Section 7401 had he been the distributor of this fuel.

Tax levy

SEC. 6. This act, inasmuch as it provides for a tax levy, shall, under the provisions of Section 1, Article IV, of the Constitution, take effect immediately.

CHAPTER 1866

An act to amend Section 374 of the Vehicle Code, relating to exemptions from payment of fees collected by the Department of Motor Vehicles.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 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.

Registration fee exemptions

(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 government 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 consecutive days or more).

(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.

(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 1867

An act to repeal Section 8812 of, to amend Sections 4628 and 8811 of, and to add Section 8819.5 to, the Education Code, relating to junior colleges.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 8812 of the Education Code shall be repealed. Repeal

SEC. 2. Section 8811 of said code is amended to read:

8811. Junior colleges shall be established and maintained in junior college districts and maintained in high school districts pursuant to this article. Junior colleges Establishing, maintaining

SEC. 3. Section 8819.5 is added to said code, to read:

8819.5. Notwithstanding anything in this code to the contrary, junior colleges maintained on July 1, 1952, by the governing board of a high school district are herewith authorized to be maintained by the governing board of a high school district. Maintenance by high school district

SEC. 4. Section 4628 of said code is amended to read:

4628. The governing board of a unified school district which has an average daily attendance of 3,500 or more pupils in grades 9 through 12 as shown by the last reports of the teachers in the district and a total assessed valuation of at least one hundred million dollars ($100,000,000), in addition to the powers conferred by Section 4627 may exercise such powers as are granted by law to governing boards of all junior college districts. Governing board of unified school district: Additional powers

CHAPTER 1868

An act to add Section 18313 to the Education Code, relating to rental of quarters by junior college districts.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 18313 is added to the Education Code, to read:

Leasing quarters

18313. If satisfactory quarters in a suitable location are offered at a rental which makes it advisable to accept them, the governing board of the junior college may lease the quarters for a period not to exceed three years.

At the expiration of the lease or other arrangement, the board may continue to renew said lease or other arrangement, for a period not to exceed three years and may continue to renew for periods not to exceed three years as long as the facilities are needed.

CHAPTER 1869

An act to amend Section 456 of the Education Code, relating to the salary of the superintendent of schools of counties of the fifty-sixth class.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 456 of the Education Code is amended to read:

Sierra County Superintendent of Schools Salary, etc.

456. The annual salary of the county superintendent of schools of a county of the fifty-sixth class is three thousand five hundred forty-nine dollars ($3,549), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

CHAPTER 1870

An act to amend Sections 586 and 612.1 of the Vehicle Code, relating to the stopping, standing or parking of vehicles in specified places.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 586 of the Vehicle Code is amended to read:

586. Stopping, Standing or Parking Prohibited in Specified Places. No person shall stop, park or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control signal device, in any of the following places: Stopping, standing, parking, prohibited

(a) Within an intersection except adjacent to curbs as may be permitted by local ordinance.

(b) On a crosswalk.

(c) Between a safety zone and the adjacent curb opposite such zone or along such curb within such distance from a point opposite an end of such safety zone as may be indicated by a sign or red paint on such curb when such sign or paint was erected or placed by local authorities pursuant to ordinance.

(d) Within 15 feet of the driveway entrance to any fire station.

(e) In front of a public or private driveway.

(f) On a sidewalk.

(g) Alongside or opposite any street or highway excavation or obstruction when such stopping, standing or parking would obstruct traffic.

(h) On the roadway side of any vehicle stopped, parked or standing at the curb or edge of a highway.

(i) Alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on such curb when such sign or red paint was erected or placed by local authorities pursuant to ordinance.

(j) In a tube or tunnel or upon a bridge, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility.

SEC. 2. Section 612.1 of said code is amended to read:

612.1. Stopping, Standing or Parking on Privately Owned or Publicly Owned Toll Bridges. No vehicle shall stop, stand, or be parked in or upon any privately owned or publicly owned toll bridge except: Stopping, etc., prohibited on toll bridges

(a) When necessary to avoid injury or damage to persons or property. Exceptions

(b) When necessary for the repair, maintenance or operation of a privately owned or publicly owned toll bridge.

(c) In compliance with the direction of a member of the California Highway Patrol or other peace officer or with the direction of a sign or signal.

(d) In such places as may be designated by the Director of Public Works.

CHAPTER 1871

An act to amend Sections 2201, 2211 and 2214 of, and to add Section 2210.5 to, the Streets and Highways Code, relating to financial aid for county highways.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 2201 of the Streets and Highways Code is amended to read:

Apportionment of federal aid to counties

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 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. Inasmuch as these county highways are a matter of state concern and many of the counties are financially unable to furnish funds to be used with federal funds as required by federal law, funds should be provided from state sources therefor.

SEC. 2. Section 2210.5 is added to said code, to read:

Payment of State's share. Aid to county limited

2210.5. The department shall pay the State's share for construction of county highways as provided in this chapter out of the money received in the State Highway Fund under Section 2108, and the money so paid shall be included in the computation of compliance with the requirements of Section 188. The funds made available by this section shall be apportioned for expenditure in the counties on the same formula as provided in paragraph (b) of Section 4 of the Federal-Aid Highway Act of 1944 for apportionment among the states; provided, however, that no county shall receive a total amount in excess of fifty thousand dollars ($50,000) in any one year. None of the money made available by this section shall be expended on any highway, street, or road which is not a county highway, except as expressly otherwise provided in this chapter.

SEC. 3. Section 2211 of said code is amended to read:

Notice of apportionment to county

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 and of the amount of money hereby made available to pay the State's share in conjunction with the federal aid in the county.

Plans, projects, etc., by county

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, as may be necessary after first considering the sums made available under Section 2210.5. 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.

SEC. 4. Section 2214 of said code is amended to read:

Expenditure of federal-aid secondary funds

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 group, as specified in Section 187, which includes the county from which released, 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 and the federal aid shall be deemed an expenditure to meet the requirements of Section 188.4, and such expenditures shall be subject to Section 188.

Operative clause

SEC. 5. The provisions of this act shall not become operative unless the Legislature, prior to January 1, 1955, increases the rate of the motor vehicle fuel license tax imposed by Section 7351 of the Revenue and Taxation Code, and the provisions of this act shall remain operative only during such time as the rate of such tax is in excess of the rate in effect on January 1, 1953.

CHAPTER 1872

An act to amend Section 975 of, and to add Section 975.5 to, the Fish and Game Code, relating to traps for taking crayfish and carp.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 975 of the Fish and Game Code is amended to read:

Use of traps restricted

975. Traps may be used throughout the year to take carp in any district under the following restrictions:

Traps shall not exceed six feet in greatest dimension. They shall be made of cotton twine. Meshes shall not be less than three

and one-half inches in length except that fyke and bait bags may be any size mesh. Traps shall have only a single vertical fyke opening at the top of trap. They shall be baited only with grain or grain products. Fish other than carp taken in such traps must be returned at once to the water.

SEC. 2. Section 975.5 is added to said code, to read:

Crayfish traps

975.5. Crayfish traps may be used at any time in any district to take crayfish only. Traps shall not exceed three feet in greatest dimension. Any other species shall be returned to the water immediately. The commission may prohibit the use of crayfish traps which will injure fish or which will entrap unnecessarily large numbers of fish other than crayfish.

CHAPTER 1873

An act relating to the dissolution of the Santa Clara Water Conservation District.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

Santa Clara Water Conservation District Dissolution

SECTION 1. The Santa Clara Water Conservation District, organized under the Water Conservation Act of 1927, is dissolved. All assets and all records and papers of the district shall be turned over to and vest in the United Water Conservation District.

Payment of claims and accounts

SEC. 2. Any claims and accounts against the Santa Clara Water Conservation District shall be paid out of funds of the dissolved district. If there are insufficient funds to discharge all claims and accounts, the governing body of the United Water Conservation District, acting ex officio as the governing body of the Santa Clara Water Conservation District, shall secure sufficient money to discharge all outstanding claims and accounts against the district by the levy of assessments on property within the Santa Clara Water Conservation District pursuant to the provisions of the Water Conservation Act of 1927, and for that purpose only, the Santa Clara Water Conservation District shall be considered as existing.

CHAPTER 1874

An act to add Section 459 to the Health and Safety Code, relating to health and sanitation conditions in county and city jails and detention facilities.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 459 is added to the Health and Safety Code, to read:

459. The county health officer may investigate health and sanitary conditions in any county jail or other detention facility of the county and submit his report to the sheriff or other person in charge of such jail or detention facility and to the board of supervisors. In any city having a health officer, such health officer may investigate health and sanitary conditions in any city jail or other detention facility and submit his report to the person in charge of such jail or detention facility and to the governing body of the city.

Investigation of health and sanitary conditions County jails, etc.

Whenever so requested by the sheriff, the chief of police, the local legislative body, or the board of corrections, but not oftener than twice annually, the county health officer or, in cities having a city health officer, the city health officer, shall investigate health and sanitary conditions in any of the jails and detention facilities described in this section, and submit his report to each of the officers and agencies authorized in this section to request such investigation.

The investigating officer shall determine whether the standards referred to in Section 4015 of the Penal Code and in Article 2, Chapter 11, Division 21, of this code have been maintained.

CHAPTER 1875

An act making an appropriation to the Department of Natural Resources, to be expended by the State Forester, for the purpose of engaging in cooperative soil-vegetation surveys on the forest, watershed, and range lands of California.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. The sum of seventy-seven thousand dollars ($77,000), or as much thereof as may be necessary, is hereby appropriated out of the General Fund in the State Treasury to the Department of Natural Resources, to be expended by the State Forester, for the purpose of engaging in cooperative soil-vegetation surveys on the forest, watershed, and range lands of California.

Appropriation State Forester

CHAPTER 1876

An act to amend Section 4912.2 of the Education Code, relating to school districts.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 4912.2 of the Education Code is amended to read:

Where plans call for exclusion from district

4912.2. In the event the plans and recommendations of a county committee for an area provide for the exclusion of territory from a school district, the county committee shall determine if as to said district the election shall be held only in said territory. However, if the territory to be excluded from a school district contains one or more school buildings, the election shall be held in the said school district unless the county committee and the governing board of the school district from which territory is to be excluded concur in determining that the election is to be held only in the territory to be excluded. The county superintendent of schools shall call the election in the district or portion thereof in accordance with this section.

CHAPTER 1877

An act to amend Section 10202 of, and to add Sections 5154.5, 7122.5, 10205, 10206, 10207, 10208, 10209, and 10210 to, and to add Article 14.5 to Chapter 15, Division 3, of, the Education Code, all relating to automobile driver training in public schools, and making an appropriation, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 5154.5 is added to the Education Code, to read:

Appropriation State School Fund

5154.5. (a) In addition there shall be provided such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse school districts for 75 percent of the excess cost of instructing pupils in the operation of motor vehicles. The amount shall not exceed thirty dollars ($30) per pupil instructed in automobile driver training, in accordance with the rules and regulations as set forth by the State Board of Education. Such amounts as are necessary to carry out the provisions of this section are appropriated from the General Fund and shall be transferred therefrom to the State School Fund by the State Controller each fiscal year.

SEC. 2. Article 14.5 is added to Chapter 15 of Division 3 of said code, to read:

Article 14.5. Computation of Allowances for Excess Cost of Driver Training

Automobile driver training: Allowance for cost

7106. The Superintendent of Public Instruction shall allow to each school district an amount equal to 75 percent of the excess cost, but not in excess of thirty dollars ($30) per pupil instructed in automobile driver training, during the preceding fiscal year in accordance with regulations set forth by the State Board of Education to districts for instructing pupils in automobile driver training.

7107. No allowance shall be made under this article for the instruction of pupils in automobile driver training unless the school district has complied with the rules and regulations of the State Board of Education governing the establishment, conduct, and scope of automobile driver education and driver training. Allowance conditioned

SEC. 3. Section 7122.5 is added to said code, to read:

7122.5. The Superintendent of Public Instruction shall on or before December 10th of each year apportion to each school district the total of amounts allowed to them under Article 14.5 of this chapter. This apportionment shall be part of the special purpose apportionment. Apportionment to school districts

SEC. 4. Section 10202 of said code is amended to read:

10202. The aims and purposes of automobile driver training shall be to develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles. The governing board of any district maintaining a secondary school which includes any of the grades 9 to 12, inclusive, may in its discretion establish and maintain automobile driver training for pupils enrolled in the day secondary schools in the district. Aims and purposes

SEC. 5. Section 10205 is added to said code, to read:

10205. "Automobile driver training" as used in this article means that type of instruction which has as its purpose the development of knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles, including behind-the-wheel driving and observation in a dual control automobile. "Automobile driver training"

SEC. 6. Section 10206 is added to said code, to read:

10206. The governing board of the school district may prescribe regulations determining who can profit by and who shall receive instructions in automobile driver training; provided, however, that no pupil shall be permitted to enroll in automobile driver training unless such pupil is presently enrolled in a course of instruction in automobile driver education, or has satisfactorily completed such course. The regulations shall be subject to such standards for driver education and driver training as may be prescribed by the State Board of Education. Pupils eligible

SEC. 7. Section 10207 is added to said code, to read:

10207. The Superintendent of Public Instruction shall promote and direct the establishment and maintenance of courses of instruction in automobile driver training in the public schools. For that purpose, he shall employ such professional and other personnel as are necessary to give full effect to this article. Promoting, establishing program

SEC. 8. Section 10208 is added to said code, to read:

10208. The Superintendent of Public Instruction shall allow to each district 75 percent of the total excess cost of training each pupil in such driver training in accordance with the rules and regulations as set forth by the State Board of Education. However, there shall not be allowed a sum in excess of thirty dollars ($30) per pupil trained. Not more than the maximum enrollment of the tenth, eleventh, or twelfth grade Maximum excess cost per pupil

classes of the district shall be counted as eligible for instruction in automobile driver training each year.

SEC. 9. Section 10209 is added to said code, to read:

Districts' annual report

10209. The governing board of each school district shall report annually to the county superintendent of schools and to the Superintendent of Public Instruction on forms provided by the Superintendent of Public Instruction, the cost of instructing such pupils, and such other information as may be required for the computation of the excess cost incurred in the instruction of the pupils in automobile driver training.

SEC. 10. Section 10210 is added to said code, to read:

Determination of excess cost

10210. The Superintendent of Public Instruction shall determine the amount of excess cost incurred by each school district during the preceding fiscal year for the establishment and maintenance of automobile driver training for pupils enrolled in the schools of the district in accordance with such regulations as he may prescribe. "Excess cost" as employed in this section includes the total current expenditures incurred for instructing pupils in automobile driver training in special classes, including, but not limited to, automobile replacement, insurance, upkeep and maintenance of automobiles used in such training. "Special classes" as employed herein includes classes providing automobile driver training for pupils who may be excused either in small numbers from regular classes or at such time as may be determined by the governing board of the district.

"Excess cost"

"Special classes"

Short title

SEC. 10.5. This act may be known and cited as the "Stanley Driver Education and Driver Training Law."

Urgency

SEC. 11. 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, to be operative on July 1, 1953, to be operative only if Assembly Bill No. 3491 is enacted by the Legislature at its 1953 Regular Session. The facts constituting such necessity are:

Every year in California there are more than 3,000 people killed and many thousand injured as a result of traffic accidents. One of the most successful means of reducing traffic accidents and deaths is to secure the proper training of drivers of automobiles. The only method now available of training any large number of our drivers in the safe operation of automobiles is in our public schools. It is impossible to establish driver training in many of our public schools without further financial support. Since school budgets must be made up in July, the program of driver training will be delayed one full year unless this act is passed as an urgency measure. The immediate passage of this act is therefore necessary for the public safety.

CHAPTER 1878

An act to add Section 773 to the Vehicle Code, relating to vehicles and vehicular traffic, declaring the urgency thereof to take effect immediately.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 773 is added to the Vehicle Code, to read:

773. To reimburse the General Fund for amounts appropriated therefrom for driver training pursuant to Section 5153.6 of the Education Code, on and after January 1, 1954, there shall be levied a penalty assessment on all offenses involving a violation of a section of this code or of a city or county ordinance, relating to the operation of motor vehicles, except offenses relating to parking or registration, in the following amounts: Reimbursement of General Fund. Penalty assessment. Exceptions.

(1) Jail sentence without fine	$1	
(2) Where a fine is imposed	$1	for each $20 of fine, or fraction thereof.
(3) If sentence is suspended	$1	if jail only, otherwise based on the amount of the fine levied, as in subsection (2).
(4) If bail is forfeited	$1	for each $20 of bail, or fraction thereof.
(5) Where multiple offenses are involved		The penalty assessment shall be based on the total fine or bail for all offenses, or $1 for each jail sentence.

When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension. Reduction of assessment.

When any deposit of bail is made for an offense to which this section applies, the person making such deposit shall also deposit a sufficient amount to include the penalty assessment prescribed in this section for forfeited bail. If bail is forfeited, the amount of such penalty assessment shall be transmitted by the clerk of the court to the county treasury and thence to the State Treasury pursuant to this section. Bail forfeited.

After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the General Fund. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the State by a county.

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, to be operative only if Assembly Bill No. 1840 is enacted by the Legislature at its 1953 Regular Session, and in such case at the same time as said Assembly Bill No. 1840 becomes operative. The facts constituting such necessity are:

Every year in California there are more than 3,000 people killed and many thousand injured as a result of traffic accidents. One of the most successful means of reducing traffic accidents and deaths is to secure the proper training of drivers of automobiles. The only method now available of training any large number of our drivers in the safe operation of automobiles is in our public schools. It is impossible to establish driver training in many of our public schools without further financial support. Since school budgets must be made up in July, the program of driver training will be delayed one full year unless this act is passed as an urgency measure. The immediate passage of this act is therefore necessary for the public safety.

CHAPTER 1879

An act to add Article 7.5 to Chapter 7 of Division 2 of the Education Code, all relating to the annexation of school districts.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Article 7.5 is added to Chapter 7 of Division 2 of the Education Code, to read:

Article 7.5. Annexation of Districts to Elementary Districts

Elementary school district annexation

2571. A single elementary school district may be annexed to another single elementary school district which during the last preceding fiscal year had an average daily attendance in excess of the district to be annexed pursuant to this article, and upon such terms as may be agreed upon between the governing boards of the school districts.

Districts not wholly in same county

2572. If the petitioning school district and the school district to which annexation is sought are not wholly situated in the same county, then the petition shall be presented in duplicate to the county superintendent of schools of each county in which any part of either of the districts is situated.

Petition for annexation

2573. A majority of the registered electors residing in the district and who have children enrolled in any elementary school, whether in the district of residence or another district, as shown by the teachers' registers for the current or next preceding term, shall present to the county superintendent of schools a petition for annexation. The petition shall be accom-

panied by an agreement to the annexation, signed by a majority of the members comprising the board of trustees of the district to which annexation is desired.

Election call

2574. Upon presentation of the petition, the county superintendent of schools, or each of them, shall, within 20 days, call an election in the petitioning district in his county for determination of the question and shall appoint three qualified electors in the petitioning district, to conduct the election.

Ballot form
Election procedure

2575. The election shall be called and conducted in all respects as specified in Article 1 of Chapter 9 of this division, except that the form of the ballot shall be: "For the annexation to the _____ School District." If a majority of the votes cast is in favor of the annexation, the annexation is complete. The result of the election shall be reported by the election officers in each district to the superintendent of the county in which the district is situated within five days after the election.

Funds, property, etc., of district annexed

2576. Whenever a district is annexed to another district, pursuant to this article, all funds, property, and obligations of the districts shall become funds, property, and obligations of the enlarged district. The bonded indebtedness of any district incurred prior to an annexation action, pursuant to this article, shall remain the sole obligation of the territory of the district as it existed prior to the annexation.

Governing board ceases to exist upon annexation

2577. Upon the effective date of the annexation of the district, for all purposes, to another district the governing board of the district annexed ceases to exist.

CHAPTER 1880

An act to amend the heading of Chapter 8 of Division 3 and Sections 333.7 and 438 of, and to add Sections 438.1, 438.2, 438.3, 438.4, and 438.5 to, the Agricultural Code, relating to penalties for hide and brand violations.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 8 of Division 3 of the Agricultural Code is amended to read:

CHAPTER 8. ENFORCEMENT, REMEDIES AND PENALTIES

SEC. 2. Section 438 of said code is amended to read:

Investigations re violations

438. The director is authorized to make any and all necessary investigations relative to reported violations of this division, as provided by Article 2 of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code. Copies of records, audits and reports of audits, inspection certificates, certified reports, findings and all papers on file in the office of the director shall be prima facie evidence of the matters therein contained, and

may be admitted into evidence in any hearing pursuant to said article of the Government Code.

SEC. 3. Section 438.1 is added to said code, to read:

Applicable penalties, etc

438.1. The penalties, remedies, procedures and actions set forth in the following sections of this chapter shall apply in instances of violation and complaints of violations of the provisions of this division, except as otherwise specified.

SEC. 4. Section 438.2 is added to said code, to read:

Punishment

438.2. Every person who violates any provision of Chapters 2, 4, and 5 of Division 3 of this code 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 months or by both such fine and imprisonment. Each violation during any day shall constitute a separate offense.

SEC. 5. Section 438.3 is added to said code, to read:

Civil liability

438.3. Any person who violates any provision of Chapters 2, 4, 5 or 7 of Division 3 of this code or any rules and regulations issued pursuant thereto shall be liable civilly for a penalty in an amount not to exceed a sum of five hundred dollars ($500) for each violation thereof. Any money recovered under this section shall be paid into the Department of Agriculture Fund.

SEC. 6. Section 438.4 is added to said code, to read:

Civil actions in name of this State

438.4. 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 for civil 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 provision of Chapters 2, 4, 5 or 7 of Division 3 of this code.

SEC. 7. Section 438.5 is added to said code, to read:

Injunction

438.5. 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 an injunction against any person violating any provision of Division 3 of this code or of any rule or regulation duly issued by the director hereunder. Any proceedings under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

SEC. 8. Section 333 7 of said code is amended to read:

Powers of inspectors

333.7. Each inspector shall have the power of a peace officer in carrying out the provisions of this division. Each inspector is empowered to enforce the provisions of Chapter 5 of Title 13

of Part 1 of the Penal Code, with reference to theft of animals or carcasses thereof.

CHAPTER 1881

An act to amend Section 8558 of, and to add Section 8557.5 to, the Public Resources Code, relating to distribution of money to counties from fees secured through lease of public lands.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 8557.5 is added to the Public Resources Code, to read:

Expenditures for range improvements, etc.

8557.5. Any money deposited in the State Treasury pursuant to Section 10 of the act of Congress referred to in Section 8551 of this code and apportioned to any county or counties of this State as herein provided shall be expended by and within each of such counties solely for range improvements and for control of predators; and it shall be the duty of the county auditor of any county receiving a payment of such money immediately to credit the same to an account in the proper fund on his books earmarked and available only for expenditures for range improvements and for control of predators.

Grazing advisory board

There is in each county in which there are public lands leased to five or more lessees under Section 15 of the act referred to in Section 8551 of this code a grazing advisory board. The members of such board shall be appointed by the board of supervisors of the county. The members of the committee shall be selected from candidates recommended by the lessees of land in the county under Section 15 of the act referred to in Section 8551 of this code at an election conducted in the manner prescribed by rule and regulation of the board of supervisors of the county. There shall be not less than five nor more than 12 such lessees on such committee and there shall be one additional member to represent the interests of wildlife conservation. The terms of the members of the committee shall be three years except that of the members first appointed the terms shall be arranged so that those of one-third of the members, as nearly as may be, will expire at the end of the first, second, and third years, respectively. An appointment to fill a vacancy shall be for the unexpired term. The members of the advisory grazing board shall receive no compensation and no reimbursement for any personal expenses. Said board shall meet at least once annually and shall recommend to the board of supervisors plans or projects of range development and predator control for which money derived from leases under Section 15 of the act referred to in Section 8551 of this code is to be expended.

SEC. 2. Section 8558 of said code is amended to read:

Expenditures for public schools, county highways

8558. Any money deposited in the State Treasury pursuant to Section 11 of the act of Congress referred to in Section 8551

of this code and apportioned to any county or counties of this State as provided in this article, shall be expended by and within each of such counties, in equal shares, solely for the benefit of the public schools and county highways; and it shall be the duty of the county auditor of any county receiving a payment of such money immediately to credit the same as follows: 50 percent thereof to an account in the proper fund on his books earmarked and available solely for expenditures for the benefit of the public schools in such county, and 50 percent thereof to an account in the proper fund on his books earmarked and available solely for expenditures for county highways in such county.

CHAPTER 1882

An act to amend Section 2 of, and to add Section 2.5 to, the Municipal Water District Act of 1911 (Chapter 671, 1911 Statutes), relating to municipal water districts, declaring the severability of the provisions of this act.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of the Municipal Water District Act of 1911 is amended to read:

Municipal water district organization

Sec. 2. The people of any county, or of any portion of a county, whether such portion of a county includes unincorporated territory only or incorporated territory of any city or cities or both such incorporated and unincorporated territory, may organize a municipal water district under the provisions of this act. Such cities need not be contiguous and such unincorporated territory may consist of one or more parcels which need not be contiguous one with the other or with any such city or cities. Except as provided in Section 2.5 of this act, the inclusion of any city or cities in the formation of such district shall require the inclusion of the entire corporate area of each such city.

SEC. 2. Section 2.5 is added to said act, to read:

Declaration of intention to petition for formation of district

Sec. 2.5. (a) The proponents of the formation of a municipal water district, who shall be voters residing within the boundaries of the proposed district, may declare their intention to circulate a petition for the formation of such proposed district. Such declaration of intention shall be addressed to the board of supervisors of the county, shall set forth and describe the boundaries of the proposed district, and shall be signed by not less than one hundred (100) proponents, who shall affix opposite their respective signatures their respective residences and dates of signing. If any city be included within the boundaries of the proposed district as set forth and described in such declaration, the entire corporate area of such city as such corporate area exists at the time of making such declaration of

intention shall be included therein, together with all areas for which proceedings for annexation to such city shall have been commenced by valid petition filed with the governing body of such city prior to the making and filing of such declaration of intention. If, prior to the making and filing of such declaration of intention, a valid petition shall have been filed with the governing body of any city, seeking annexation to such city of any territory included within the boundaries of the proposed municipal water district, the entire corporate area of such city as such corporate area exists at the time of making such declaration of intention shall be included within such proposed district, together with all areas for which proceedings for annexation to such city shall have been so commenced by such filing of a valid petition therefor. If, prior to the making and filing of such declaration of intention, a valid petition shall have been filed with the board of supervisors of the county, seeking the incorporation of a new city the proposed boundaries of which shall include any territory included within the boundaries of the proposed municipal water district, the entire area of such proposed city shall be included within such proposed district. The declaration of intention shall be filed with the county clerk not later than ten (10) days following the date upon which the last signature was affixed thereto. If such declaration of intention be made and filed in the manner and within the time herein prescribed, and if the proceedings for formation of such district be commenced and prosecuted in the manner and within the time herein provided, the inclusion within the boundaries of the proposed district of territory formed into a new city or annexed to an existing city pursuant to proceedings which were not commenced by the filing of a valid petition prior to the filing of such declaration of intention, shall not prevent or invalidate the formation of the proposed district even though such territory, or portion thereof, shall be included within such municipal water district without including therein the remainder of the corporate area of such city If such declaration of intention be so made and filed, and if such formation proceedings be so commenced and prosecuted, the inclusion within the boundaries of the proposed district of any city to which territory shall be annexed pursuant to proceedings which were not commenced by the filing of a valid petition prior to the filing of such declaration of intention, shall not prevent or invalidate the formation of the proposed district even though the corporate area of such city as such corporate area existed at the time of making such declaration of intention shall be included within such municipal water district without including therein the territory annexed to such city pursuant to such proceedings.

Examination by county clerk

(b) Within ten (10) days of the date of the filing of such declaration of intention, the county clerk shall examine the same and ascertain whether or not said declaration was signed by the requisite number of proponents who are voters residing within the boundaries of the proposed district. When the county clerk has completed his examination he shall attach to the

declaration his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said declaration is signed by the requisite number of proponents who are voters residing within the boundaries of such proposed district, or that such declaration is not so signed, the county clerk shall certify that the declaration is sufficient or insufficient, as the case may be. If his certificate shall show such declaration to be insufficient, it shall be filed by him and kept as a public record, without prejudice to the filing of a new declaration to the same effect. But if, by the certificate of the county clerk, such declaration is shown to be sufficient, the county clerk shall publish the text of such declaration in a newspaper printed and published in such county, together with a notice stating that such declaration has been filed in his office and the date of such filing. Not more than five of the names attached to such declaration need appear in such publication, but the number of signers shall be stated.

(c) If, subsequent to the making and filing of the declaration of intention in the manner provided in paragraph (a) of this Section 2.5 but prior to circulating the petition for formation of the proposed district, a valid petition shall have been filed with, or a resolution shall have been adopted by, the governing body of a city, the corporate area of which shall be included in a metropolitan water district, organized under the Metropolitan Water District Act of this State, in a manner which would result in automatic annexation to such metropolitan water district of territory annexed to such city, and such petition or resolution shall initiate formal proceedings for the annexation to such city of territory within such proposed municipal water district, the proponents so declaring their intention to form a municipal water district may omit from the area of the proposed municipal water district described in the petition for formation of such district, all territory which had been or would be annexed automatically to such metropolitan water district upon successful completion of such proceedings for annexation to such city; provided, that in the event any such territory be so omitted, no part of such city shall be included within the proposed municipal water district.

Circulation of petition.

(d) Circulation of a petition for formation of such municipal water district shall be commenced by the proponents within thirty (30) days from the date of filing the declaration of intention with the county clerk and such circulation shall be completed and the petition shall be filed with the county clerk within ninety (90) days from the date of filing such declaration of intention. The proceedings for the formation of such proposed municipal water district, in all particulars not otherwise expressly provided in this Section 2.5, shall be conducted in the manner provided in Section 3 of this act. Except as otherwise authorized in this Section 2.5, the boundaries of the proposed municipal water district shall be described in the petition for formation in the manner in which such boundaries are described in the declaration of intention and shall include the same area.

(e) If, prior to the effective date of the formation of such proposed municipal water district, any territory included therein shall have been annexed to a metropolitan water district organized under the Metropolitan Water District Act of this State, such territory may be excluded from such municipal water district upon compliance with the following provisions of this paragraph (e), to wit:

Exclusion of land annexed to metropolitan water district:

(1) The governing body of such municipal water district, within ninety (90) days after the effective date of the formation of such district, may adopt an ordinance which, after reciting that such territory has been annexed to such metropolitan water district by proceedings theretofore taken under statutory authority, and after referring to the applicable statutes and to the date and place of filing of the certificate or certificates evidencing such annexation, shall describe said territory and shall determine and declare that the said territory shall be, and thereby is, excluded from such municipal water district. Such ordinance shall be effective immediately upon adoption

(2) The governing body, or clerk thereof, of such municipal water district shall file a certified copy of such ordinance with the Secretary of State of the State of California. Upon receipt of the certified copy of said ordinance, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the exclusion of said area from said municipal water district A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county in which such municipal water district is situated. From and after the date of such certificate the area described therein shall be deemed excluded from, and shall no longer form a part of, said municipal water district, but the taxable property within such excluded area shall remain subject to any taxes theretofore levied by such municipal water district and shall continue taxable by such municipal water district for the purpose of paying the bonded or other indebtedness of such municipal water district, if any, outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied, to the same extent that such property would be taxable for such purpose if such exclusion had not occurred.

(f) Notwithstanding any provision contained in this Section 2 5, a municipal water district may be formed, in the manner provided in Section 3 of this act, without the filing by the proponents thereof of a declaration of intention to form such proposed district. If such prior declaration of intention be not made and filed, and if any city be included within the boundaries of the proposed district as set forth and described in the petition for formation of such district, the entire corporate area of such city as such corporate area exists at the time of filing such petition for formation shall be included therein, together with all areas for which proceedings for annexation to such city shall have been commenced by valid petition filed with the governing body of such city prior to the filing of such petition for formation

Formation of district without declaration of intention

of the proposed district. If such prior declaration of intention be not made and filed, and if prior to the filing of the petition for formation of the proposed district a valid petition shall have been filed with the governing body of any city seeking annexation to such city of any territory included within the boundaries of the proposed municipal water district, the entire corporate area of such city as such corporate area exists at the time of filing such petition for formation shall be included within such proposed district, together with all areas for which proceedings for annexation to such city shall have been so commenced by such filing of a valid petition therefor. If such prior declaration of intention be not made and filed, and if prior to the filing of the petition for formation of the proposed district a valid petition shall have been filed with the board of supervisors of the county seeking the incorporation of a new city the proposed boundaries of which shall include any territory included within the boundaries of the proposed municipal water district, the entire area of such proposed city shall be included within such proposed district. If such prior declaration of intention be not made and filed, the inclusion within the boundaries of the proposed district of territory formed into a new city or annexed to an existing city pursuant to proceedings which were not commenced by the filing of a valid petition prior to the filing of such petition for formation of such municipal water district, shall not prevent or invalidate the formation of the proposed district even though such territory, or portion thereof, shall be included within such municipal water district without including therein the remainder of the corporate area of such city. If such prior declaration of intention be not made and filed, the inclusion within the boundaries of the proposed district of any city to which territory shall be annexed pursuant to proceedings which were not commenced by the filing of a valid petition prior to the filing of such petition for formation of such municipal water district, shall not prevent or invalidate the formation of the proposed district even though the corporate area of such city as such corporate area existed at the time of filing such petition for formation shall be included within such municipal water district without including therein the territory annexed to such city pursuant to such proceedings.

Severability, savings clauses

SEC. 3. 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, subdivisions, 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.

CHAPTER 1883

An act to amend Section 57.7 of the Unemployment Insurance Act (Chapter 352, Statutes of 1935) and Sections 1403, 1405, 1406 and 1408 of the Unemployment Insurance Code, relating to the benefit rights of trainees.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 57.7 of the Unemployment Insurance Act is amended to read:

Trainee's benefit rights

Sec. 57.7. Notwithstanding any inconsistent provisions of this act the benefit rights of trainees shall be determined in accordance with the following provisions of this section for the periods and with respect to the matters specified herein. Except as herein otherwise provided, all other provisions of this act shall continue to be applicable in connection with such benefits.

"Military service"

(1) The term "military service" as used in this section 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 to be active service in such force during such period.

"Trainee"

(2) The term "trainee" as used in this section 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.

Re-establishing benefits

(3) (a) With respect to any trainee who 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 the provisions of subsection (4) hereof, except that all re-established balances shall lapse 65 weeks after termination of such military service.

Benefit year

(b) The benefit year of all other trainees shall be one year from the first day of the first week following the date of termination of military service.

Base period exclusions

(4) 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, except that the quarter of entry into military service shall be counted as a completed quarter if the commission finds that the inclusion thereof would be more equitable to the trainee.

Acts prior to entry into service not basis for disqualification

(5) 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.

Disqualification. Payment by Federal Government

(6) 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 benefits and no unemployment compensation benefits shall be paid under this section 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 section, in which case, the weekly benefit amount payable to the trainee pursuant to this section 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 section or the federal act providing for the payment of such supplemental benefits.

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.

Effect Stats. 1953, Ch 308

SEC. 6. Sections 2 to 5 inclusive 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 57.7 of the Unemployment Insurance Act as amended by this act is repealed.

CHAPTER 1884

An act to amend Sections 102, 103, and 104 of the Health and Safety Code, relating to the State Board of Public Health.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 102 of the Health and Safety Code is amended to read:

State Board of Public Health. Members, powers, etc

102. The State Board of Public Health consists of the Director of Public Health and nine other members. The board shall

advise the director in the performance of his duties and formulate general policies affecting public health. It shall have power to adopt, promulgate, repeal and amend rules and regulations consistent with law for the protection of the public health. It shall issue licenses and permits as prescribed by law and by rules and regulations of the board. It may hold hearings and subpena witnesses and documents pursuant to Article 2 of Chapter 2, Part 1, Division 3, Title 2 of the Government Code. The board shall have no administrative or executive functions other than those set forth in this code.

SEC. 2. Section 103 of said code is amended to read:

Appointment, terms

103. Except as otherwise expressly provided, the members of the board, other than the director, shall be appointed by the Governor for a term of four years and shall hold office until the appointment and qualification of their successors. The terms of the members of the board in office on the effective date of the Statutes of 1953 shall expire in the order heretofore established, as follows: two members, January 15, 1954; one member, January 15, 1955; two members, January 15, 1956; two members, including the dentist, January 15, 1957. The terms of the two members first appointed to the offices created by the 1953 amendment to Section 102 shall expire as follows: one member, January 15, 1955; and one member, January 15, 1957. In making the first appointments to those offices the Governor shall designate the term for which each such member is appointed.

Vacancies shall be filled by appointment for the unexpired term.

SEC. 3. Section 104 of said code is amended to read:

One dentist, six physicians

104. One member of the board shall be a duly licensed and practicing dentist of the State. Six members shall be duly licensed and practicing physicians of the State.

CHAPTER 1885

An act to amend Section 2980 of the Civil Code, relating to the recordation of conditional sales contracts.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 2980 of the Civil Code is amended to read:

Conditional sales contract of mining equipment Recordation

2980. Every conditional sales contract of equipment and machinery used or to be used for mining purposes, must be acknowledged, or proved and certified, and must be recorded within twenty (20) days after its execution in the office of the recorder of the county where the buyer resides at the time he executes such contract, and also in the office of the recorder of the county or counties where the property involved is located

at the time the contract is executed by the buyer, or in case the buyer is a nonresident of this State, in the office of the recorder of the county or counties where the property involved is located at the time the contract is executed by the buyer, otherwise it shall be void as to the lien or interest of the seller against bona fide purchasers, encumbrancers and those having no actual knowledge of the contract who becomes creditors of the buyer while said property is in the possession of any of the last mentioned parties.

"Mining purposes"

As used in this section the term "mining purposes" includes oil drilling purposes.

Buyer a corporation or partnership

Where the buyer is a corporation or a partnership, the county of recordation thereof for the purpose of recording such contract shall be deemed to be the county wherein such corporation or partnership has its principal place of business within this State.

CHAPTER 1886

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. The following terms shall have the following meanings herein:

"Public body"

(a) The term "public body" means counties, cities and counties, cities, school districts of any kind or class, junior college districts, irrigation districts, irrigation district improvement districts, irrigation district distribution districts, reclamation districts, drainage districts, levee districts, county power pumping districts, public utility districts, municipal utility districts, municipal improvement districts, sanitary districts, sanitation districts, sewer maintenance districts, garbage disposal districts, air pollution control districts, unified air pollution control districts, county sewerage and water districts, municipal sewer districts, joint municipal sewage disposal districts, metropolitan water districts, county water districts, county water works districts, water districts, water storage districts, municipal water districts of any kind, water conservation districts, conservancy districts, pest control districts, weed abatement districts, horticultural improvement districts, mosquito abatement districts, soil conservation districts, county fire protection districts, bridge and highway districts, joint highway districts, highway districts, highway lighting districts, permanent road divisions, road districts, cemetery districts, airport districts, port districts, river port districts, harbor districts, recreational harbor districts, harbor improvement districts, municipal port districts, joint harbor improvement districts, flood control districts, storm water districts, library districts, fire protection

districts, county maintenance districts, assessment districts, separation of grade districts, park recreation and parkway districts, recreation park and parkway districts, regional park districts, public cemetery districts, local hospital districts, local health districts, veterans' memorial districts, citrus pest control districts, county water authorities, zones of flood control districts, vehicle parking districts, community service districts, garbage and refuse disposal districts, parking districts, and parking authorities.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

"Bonds"

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

Legally organized public bodies

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

Legally established boundaries

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

Acts, etc., legally effective

SEC. 4. All acts and proceedings heretofore taken by any public body under any law, or under color of any law, for the annexation or inclusion of territory into any such public body are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion of such territory.

Same

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

Bonds

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be

the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

Legislative authorization of past acts supplied

SEC. 6. (a) This act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

Limitation

(b) This act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

Creation of city or district

(c) Nothing contained herein shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

Acts under legal contest excepted

(d) This act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective, or to confirm, validate or legalize the organization of, or any proceedings for the organization of any municipal corporation, when any part of the area of such municipal corporation within the boundaries thereof described in the resolution or order of the board of supervisors defining and establishing the boundaries of the proposed municipal corporation has been held by any court to be a part of another municipal corporation or has, directly or indirectly, been held illegally included within such boundaries of the proposed municipal corporation as described in said resolution or order of the board of supervisors or in the notice of election on the incorporation of the proposed municipal corporation.

Certain contracts excepted

(e) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

Definitions

SEC. 7. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

Short title

SEC. 8. This act may be cited as the Second Validating Act of 1953.

CHAPTER 1887

An act to add Sections 60687 and 60755.5 to the Government Code, relating to community services districts.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 60687 is added to the Government Code, to read:

60687. No district shall incur general obligation bonded indebtedness in excess of twenty-five (25) percent of the assessed valuation of all taxable property within the district.

Indebtedness restricted

SEC. 2. Section 60755.5 is added to said code, to read:

60755.5. Unless a majority of the electors voting at an election held for that purpose are in favor of it, the annual property tax rate shall not exceed one dollar ($1) per one hundred dollars ($100) of assessed valuation of all taxable property within the district. This section does not prevent a community service district having a validly contracted general obligation bonded indebtedness from levying and collecting taxes for the payment of such indebtedness and the interest thereon, in addition to the taxes authorized to be levied and collected pursuant to this section.

Maximum annual property tax rate

CHAPTER 1888

An act to amend Section 26921 of the Government Code, relating to the counting of money in county treasuries.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 26921 of the Government Code is amended to read:

26921. The board of supervisors may by four-fifths vote direct that the duties to be performed pursuant to this article shall be performed by the auditor alone, who shall prepare and verify in duplicate the required statements.

Performance of duty by auditor alone

CHAPTER 1889

An act to add Section 20063.1 to the Health and Safety Code, relating to the administration of police protection districts.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 20063.1 is added to the Health and Safety Code, to read:

Election canceled: Appointments

20063.1. If, on the fortieth day prior to the day fixed for the district general election, only one person has been nominated for each office of member of the board of directors to be filled at that election, or no one has been nominated for such office, and if on the thirtieth day prior to the day fixed for the election a petition signed by 5 percent of the qualified electors in the district, requesting that the district general election in the district be held, has not been presented to the board of directors of the district, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the district, or a greater portion thereof, is situated at a regular or special meeting held prior to the day fixed for the election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a district general election.

Notices

In such instances notices shall be posted in three public places in the district at least 10 days before the date fixed for the election, which notices shall state that no election is to be held and that the board of supervisors will appoint, or has appointed, a member or members of the board of directors to serve for the ensuing term.

CHAPTER 1890

An act to add Sections 5750.1, 5750.2, and 5750.3 to the Welfare and Institutions Code, relating to involuntary admissions to private institutions, hospitals and sanitariums on physician's certificate.

In effect September 9, 1953

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Section 5750.1 is added to the Welfare and Institutions Code, to read:

Request for sanity hearing

5750.1. At any time after the admission of a patient to a private institution, hospital, or sanitarium pursuant to the provisions of Section 5750 of this code, the patient, or any relative or friend in his behalf, may file with the person in charge of the institution, hospital, or sanitarium in which the patient is confined, a written request for a court hearing to determine whether or not the person is mentally ill and in need of supervision, care or treatment in such institution, hospital, or sanitarium, and proceedings thereon shall be had as provided in Article 3.5 of Chapter 1 of Part 4 of Division 6 of this code.

SEC. 2. Section 5750.2 is added to said code, to read:

5750.2. No person shall be admitted to such private institution, hospital, or sanitarium pursuant to Section 5750 of this code unless the physician's statement is in certificate form and is presented within three days of the physician's mental examination, and no person so admitted shall be detained or permitted to remain in such institution, hospital, or sanitarium for a period longer than 90 days, unless during such period he has filed a request to remain in such institution, hospital, or sanitarium as a voluntary patient, or unless during such period a petition has been presented to the superior court under the provisions of Article 3, Chapter 1 of Part 1 of Division 6 of this code and an order issued requiring such person to be detained in such institution, hospital, or sanitarium, or unless proceedings are pending under Section 5750.1 of this code to determine whether or not the patient is mentally ill and the patient has been ordered detained in such institution, hospital, or sanitarium pending the outcome of such hearing, or unless prior to the end of such period such private institution, hospital, or sanitarium has received a written application from a friend or relative of such person to retain such person therein for further care or treatment accompanied by two certificates executed by two physicians as required under Section 5750 and this section.

Certificate necessary for admittance, etc.

SEC. 3. Section 5750.3 is added to said code, to read:

5750.3. No physician who shall execute, in good faith, a certificate under this chapter, and no private institution, hospital, or sanitarium, or its agents, servants, or employees, which shall admit and detain such person, in good faith, upon the authority of such application, or applications, and certificate, or certificates, shall be liable in damages to such person, or to his heirs, executors or administrators, for false imprisonment or otherwise; provided, however, that such physicians, institutions, hospitals, or sanitariums shall not be exempt from liability for negligence in the care or treatment of such persons.

Liability of physicians, hospitals, etc.

CHAPTER 1891

An act to amend Sections 649 and 650.6 of the Vehicle Code, relating to lighting equipment of vehicles.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 649 of the Vehicle Code is amended to read:

649. Use of Multiple-beam Road Lighting Equipment. (a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 618, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal

Use of multiple-beam road lighting equipment

persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations.

(b) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of 25 feet ahead, and in no case higher than a level of 42 inches above the level upon which the vehicle stands at a distance of 75 feet ahead.

The lowermost distribution of light specified in Section 648, paragraph (b), subparagraph 1, shall be deemed to avoid glare at all times regardless of road contour and loading.

(c) Whenever the driver of a vehicle follows another vehicle within 200 feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this code other than the uppermost distribution of light specified in paragraph (a) of Section 648.

SEC. 2. Section 650.6 of said code is amended to read:

Special restrictions on lamps

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, 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:

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.

CHAPTER 1892

An act to amend Sections 9351, 9355.2, and 9359.8 of and to add Section 9355.25 to the Government Code, relating to the Legislators' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 9351 of the Government Code is amended to read:

"Service"

9351. "Service" means the period of time, computed in years and fractions thereof, a member has held office as a Member of the Senate or of the Assembly or as an elective officer of the State in any office provided for by the Constitution, except that of judge.

Computing service

In computing years of service under this act, each full term served as a Member of the Senate shall be deemed to constitute four (4) calendar years, each full term served as a Member of the Assembly shall be deemed to constitute two (2) calendar years, and each period of service from the commencement of one general session of the Legislature to the commencement of the next shall be deemed to constitute two (2) calendar years. Each full term served as an elective officer of the State whose

office is provided for by the Constitution shall be deemed to constitute four (4) calendar years.

SEC. 2. Section 9355.2 of said code is amended to read:

Election to withdraw contributions

9355.2. Notwithstanding any other provision of this chapter, if the service of a member is discontinued by any means other than death or retirement pursuant to this chapter, he shall have the right to elect not later than 90 days after the date upon which notice of that right is mailed by this system by registered mail to the member's latest address on file in the office of this system, and without right of revocation, whether to allow his accumulated contributions to remain in the fund. Failure to make such election shall be deemed an irrevocable election to resign from this system and withdraw his accumulated contributions. A member whose membership continues under this section is subject to the same age requirements as apply to other members for retirement, and upon qualification for retirement by age, he shall, upon his application therefor to the board, be retired, and receive a retirement allowance based upon the service with which he is credited, in the same manner as other members of this system.

SEC. 3. Section 9355 25 is added to said code, to read:

Retroactive application

9355 25. Section 9355.2, as in effect on the effective date of the Statutes of 1953, shall be retroactively applied to permit any member whose service was discontinued other than by death or retirement prior to the said effective date and who failed to elect, within the time then specified in Section 9355 2, to allow his contributions to remain in the fund, to make such election within 90 days after notice is mailed under Section 9355.2 to his latest address on file in the office of the system, or, if his contributions have already been repaid to him, within the said 90-day period to redeposit his contributions in the fund, with the same effect as if he had made such election under Section 9355.2 within the time specified therein.

SEC. 4. Section 9359.8 of said code is amended to read:

Death of member before retirement

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 Member of the Legislature 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, but not to exceed one-half of such annual compensation if the decedent was an elective officer of the State whose office is provided for by the Constitution other than a Member of the Legislature. The benefits provided by this section are in addition to any benefits provided by Division 4 of the Labor Code.

Urgency

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The exact amount of the benefit under the Legislators' Retirement Act granted to the beneficiary of a Member of the Legislature or other elective state constitutional officer upon his death is in doubt, with the result that qualified persons, who would otherwise be candidates for the office of Member of the Legislature or other elective state constitutional office, may be misled and conclude that they cannot afford to become Members of the Legislature or other elective state constitutional officers. Since any vacancies which have occurred and may occur 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.

CHAPTER 1893

An act to add Sections 24250.1 and 69751.5 to the Government Code, relating to superior courts and to offices of sheriffs and clerks in cities in which regular sessions of the superior court are held.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 69751.5 is added to the Government Code, to read:

Sessions of superior court. Cities other than county seat

69751.5. The judge or a majority of the judges of the superior court in and for any county, with the approval of the board of supervisors, may establish a session of the superior court in any city with a population in excess of seven thousand (7,000) inhabitants and in which the city hall is located more than thirty (30) miles from the county courthouse if the judge or a majority of the judges determines that such session is necessary to serve the convenience of the residents of the county and promote the ends of justice.

SEC. 2. Section 24250.1 is added to said code, to read:

Sheriffs' and clerks' offices

24250.1. Sheriffs and clerks shall also have offices in each city in which a regular session of the superior court is held pursuant to law. This section does not authorize the establishment of offices in cities in which extra sessions of the superior court are held.

CHAPTER 1894

An act to amend Section 5093 of the Business and Professions Code, relating to certified public accountants.

[Approved by Governor July 10, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 5093 of the Business and Professions Code is amended to read:

Certified public accountant Qualifications

5093. An applicant who successfully passes the examination shall receive a certificate as a certified public accountant if he has completed, or upon his completion of, any one of the following requirements:

(a) Three years of public accounting experience, two years of which have been in the employ of a certified public accountant or a partnership of which a majority of the partners are certified public accountants.

(b) Three and one-half years of public accounting experience, one year of which has been in the employ of a certified public accountant or a partnership of which a majority of the partners are certified public accountants.

(c) Four years of public accounting experience in cases in which none was acquired in the employ of a certified public accountant or partnership of certified public accountants.

(d) Experience in private or governmental accounting or auditing work of a character and for a length of time sufficient in the opinion of the board to be substantially equivalent to the requirements of subsection (a), (b) or (c) hereof; provided, that the length of time that may be determined by the board shall not exceed four years.

College graduates

Provided, the board shall grant one year's credit toward fulfillment of its public accounting experience requirement to a graduate of a college who has completed a four-year course with 30 or more semester hours or the equivalent thereof in the study of accounting, commercial law, economics and finance, of which at least 20 semester hours or the equivalent thereof shall be in the study of accounting.

Requirements waived

Provided further, that until December 31, 1952, the board shall waive the requirements of two years' college study provided for in Section 5091 (e) (1) hereof, or graduation from a junior college provided for in Section 5091 (e) (2) hereof if the applicant has been in practice as a public accountant, or in the employ of a public accountant, certified public accountant, or governmental agency for at least six years preceding the date of application.

The board shall waive the requirements of two years' college study provided for in Section 5091 (e) (1) hereof or graduation from a junior college provided for in Section 5091 (e) (2) hereof to members of the armed forces of the United States for six years subsequent to the date of their discharge from such forces.

The board shall prescribe rules establishing the character and variety of experience necessary to fulfill the experience requirements set forth in this section.

CHAPTER 1895

An act to amend Sections 65005, 65030, 65033, and 65037 to, and to add Section 65072 to, and to amend the heading of Article 2 of Chapter 1 of Title 7 of, to add new chapter headings comprising Chapters 2 and 3 to Title 7 of, and to amend and renumber the heading of Article 3 of Chapter 1 of Title 7 of, the Government Code, relating to planning.

[Approved by Governor July 11, 1953. Filed with Secretary of State July 11, 1953.]

In effect September 9, 1953

The people of the State of California do enact as follows:

SECTION 1. Section 65005 of the Government Code is amended to read:

"Area"

65005. "Area" means any area formed from areas united for planning purposes.

SEC. 2. The heading of Article 2 of Chapter 1 of Title 7 of said code is amended to read:

Article 2. The State Conservation and Planning Board

SEC. 3. Section 65030 of said code is amended to read:

State Conservation and Planning Board: Powers, duties

65030. The State Conservation and Planning Board shall exercise the powers vested in it, and perform the duties imposed upon it, by this chapter.

SEC. 4. Section 65033 of said code is amended to read:

Planning officer

65033. The board shall employ a planning officer who shall be qualified by special training, experience, and demonstrated ability in the field of local planning. Subject to the approval of the Director of Finance the board may employ other persons necessary for its work.

SEC. 5. Section 65037 of said code is amended to read:

Public improvements, etc., to be ascertained

65037. The board shall ascertain from each state department, board, or other agency, and where possible from federal agencies, all contemplated public improvements or projects and where necessary shall indicate upon the regional and county master plans those things which it considers pertinent to such plans.

SEC. 6. A chapter heading is added to Title 7 of said code immediately following Section 65039, to read:

CHAPTER 2. REGIONAL PLANNING LAW

SEC. 7. The heading of Article 3 of Chapter 1 of Title 7 of said code is amended and renumbered to read:

Article 1. Regional Planning Commissions

SEC. 8. Section 65072 is added to said code, to read:

Regional planning commission

65072. The operation of a regional planning commission, including the employment of personnel, consultants or specialists by contract shall be in accord with a plan for organization and financing mutually agreed upon by the cooperating counties and cities.

SEC. 9. A chapter heading is added to Title 7 of said code immediately following Section 65071, to read:

CHAPTER 3. LOCAL PLANNING

CONCURRENT AND JOINT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENTS

REGULAR SESSION

1953

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

Adopted at the 1953 Regular Session of the Legislature

CHAPTER 1

Senate Concurrent Resolution No. 7—Approving a certain amendment to the charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at a special election held therein on the fourth day of November, 1952.

[Filed with Secretary of State January 9, 1953]

City of Bakersfield: Charter amendment

WHEREAS, The City of Bakersfield, in the County of Kern, State of California, has at all times mentioned herein been and now is a municipal corporation of the State of California, containing a population of more than 3,500 and fewer than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of Congress of the United States, and is now and has been ever since the twentieth day of January, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the fifth day of May, 1914, and approved by the Legislature of the State of California, on the twentieth day of January, 1915; and

WHEREAS, On the twenty-fifth day of August, 1952, the legislative body of the City of Bakersfield, to wit: the city council, on its own motion passed a resolution to submit to the electors of said city, at a special election to be held November 4, 1952, a proposed amendment to the city charter of the City of Bakersfield, and immediately thereafter on said twenty-fifth day of August, 1952, the City Council of the City of Bakersfield duly and regularly called a special election for the purpose of voting on said proposed amendment, to be called and held on the fourth day of November, 1952, which said date was fixed by the said City Council of the City of Bakersfield as the time for voting on said amendment as proposed, which said special election was duly and regularly consolidated with the State General Election to be held on said date; and

WHEREAS, Said proposed amendment was published on the twentieth day of September, 1952, in each edition of the Bakersfield Californian, a newspaper of general circulation printed and published in the City of Bakersfield, and having a general circulation therein, the said paper being the official newspaper

of the City of Bakersfield, and said publication was made at the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said election was duly called and regularly held on the fourth day of November, 1952, which said date of the election was not less than 40 nor more than 60 days after the completion of the advertising in said official newspaper of said proposed amendment, and at said election the said proposed amendment to said charter was voted upon by the qualified electors of the City of Bakersfield, and at said election a majority of the qualified electors voting thereon voted in favor of ratifying and did ratify said proposed amendment to said charter, said proposed amendment so ratified being in the words and figures as follows, to wit:

That Section 135 of the charter of the City of Bakersfield, entitled Progressive Payment of Contracts, be amended to read as follows:

Progressive payment contracts

Section 135. Any contract may provide for progressive payments. But no progressive payments shall be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at any time ninety per cent of the value of the labor done and the materials used up to that time, and for materials to be used on said property, delivered at the site of said work, or stored, subject to, or under the control of said City of Bakersfield, and no contract shall provide for or authorize or permit the payment of more than ninety per cent of the contract price before the completion and acceptance of the work.

AND WHEREAS, in accordance with the law in such cases made and provided, the board of supervisors of the County of Kern caused the clerk of said county to canvass the returns of said election, and said clerk did duly and regularly canvass the returns of said election and on the fifth day of December, 1952, did certify the results of said canvass to the City Council of the City of Bakersfield, and on the fifteenth day of December, 1952, the said city council did duly find, determine and declare the result of said special election as determined from the canvass of the returns therefor aforesaid to be that a majority of the qualified electors of said city voting thereon had voted in favor of and ratified said amendment to the charter of the City of Bakersfield as hereinabove last set forth, and alleged to have been so ratified; and

Certificate

WHEREAS, That the foregoing is true is shown by the certificate of Frank Sullivan, Mayor of the City of Bakersfield, and Marian S. Irvin, Clerk of said City, whose certificate is in words and figures as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF KERN } ss.
CITY OF BAKERSFIELD

This is to certify that we, Frank Sullivan, Mayor of the City of Bakersfield, and Marian S Irvin, Clerk of the City of Ba-

kersfield, have compared the foregoing proposed and ratified amendment to the Charter of the City of Bakersfield with the original proposed amendment submitted to the qualified electors of the said City of Bakersfield at a special election held within the City of Bakersfield on November 4, 1952, and find that the foregoing is a full, true, correct and exact copy of said amendment.

We further certify that the facts set forth in the preamble preceding said amendment to said charter, and the matters set forth therein are and each of them is true.

IN WITNESS WHEREOF we have hereunto set our hands and caused the corporate seal of the City of Bakersfield to be attached this 19th day of December, 1952.

FRANK SULLIVAN
(SEAL) Mayor of the City of Bakersfield
MARIAN S. IRVIN
Clerk of the City of Bakersfield

AND WHEREAS, The said amendment to the charter of the City of Bakersfield so ratified as hereinbefore set forth has been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate, the Assembly concurring, a majority of all members elected to each house voting for the adoption of this resolution and concurring therein, That the said amendment to the charter of the City of Bakersfield herein set forth as presented and submitted to and ratified and adopted by the qualified electors of the City of Bakersfield, be and the same is hereby adopted as a whole for and as an amendment to the said charter of the City of Bakersfield.

CHAPTER 2

Assembly Concurrent Resolution No. 2—Approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a general presidential and special municipal election held therein on the fourth day of November, 1952.

[Filed with Secretary of State January 9, 1953]

City and County of San Francisco Charter amendments

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and

county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county thirteen (13) amendments to said charter; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did cause said thirteen (13) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in "The San Francisco News," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said "The San Francisco News," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a general presidential and special municipal election to be held in the City and County of San Francisco on the fourth day of November, 1952, the said thirteen (13) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said general presidential and special municipal election was held in said City and County of San Francisco on the fourth day of November, 1952, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "The San Francisco News," and each edition thereof as hereinbefore set forth; and

WHEREAS, The board of supervisors of said city and county did thereafter, in regular meeting assembled, by resolution duly adopted by said board and entered in the minutes thereof, direct that a canvass of said general presidential and special municipal election held on the fourth day of November, 1952, be immediately begun and made by the registrar of voters of said city and county, it appearing to said board of supervisors that at the time of the commencement of said canvass all of the returns of said general presidential and special municipal election held on the fourth day of November, 1952, from each

election precinct in the City and County of San Francisco in which polls were opened and theretofore been received by the said registrar of voters; and

WHEREAS, Thereafter, to wit, on the first day of December, 1952, said board of supervisors duly approved the "official statement" of votes cast at the general presidential and special municipal election held in the City and County of San Francisco, State of California, on Tuesday, the fourth day of November, 1952; and

WHEREAS, At said general presidential and special municipal election so held on the fourth day of November, 1952, eleven (11) of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions A, B, D, F, I, J, L, N, O, P and Q, and two (2) other charter amendments submitted at said general presidential and special municipal election, to wit, charter amendments designated as Propositions K and M, received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

PROPOSITION A

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding Section 5.1 thereto prohibiting any person from serving as mayor for more successive terms than two.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of the City and County of San Francisco at an election to be held therein on November 4, 1952, a proposal to amend the charter of said city and county by adding thereto Section 5.1 which shall read as follows:

Mayor: Successive terms

Section 5.1. No person elected as mayor shall be eligible to serve, or serve, as such for more than two successive terms; but such service shall not disqualify any person for further service as mayor for any term or terms which are not successive, nor for any parts of terms which are not successive.

PROPOSITION B

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 150 thereof, relating to verification of payrolls and payment of compensation to employees while serving as jurors.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 4, 1952, a proposal to amend the charter of said city and county by amending Section 150 thereof so that the same shall read as follows:

Verification of Payrolls

Verification of payrolls

Section 150. All personal services shall be paid by warrants on the basis of a claim, bill, timeroll or payroll approved by the head of the department or office employing such service. The claims, bills or payrolls, hereinafter designated as payrolls, for salaries, wages or compensation for personal services of all officers, assistants and employees of every class or description, without regard to the name or title by which they are known, for each department or office of the city and county shall be transmitted to the civil service commission before presentation to the controller.

The secretary of the commission shall examine and approve such payroll for all persons legally appointed to or employed in positions legally established under this charter. The payrolls thus approved, with notation of any item thereof disapproved, shall then be certified by the secretary of the commission and transmitted by him to the controller. The controller shall not approve and the treasurer shall not pay any claim for personal services, or pay check or warrant for salary, wages or compensation unless the same shall have been approved by the said secretary.

For the purpose of the verification of claims, bills, timerolls, or payrolls, contractual services represented by teams or trucks hired by any department head or other officer of the city and county shall be considered in the same manner as personal service items and shall be included on payrolls as approved by said department heads or other officers, and shall be subject to examination and approval by the secretary of the civil service commission and the controller in the same manner as payments for personal services.

The salary, wage or other compensation fixed for each officer and employee in, or as provided by this charter, shall be in full compensation for all services rendered, and every officer and employee shall pay all fees and other moneys received by him, in the course of his office or employment, into the city and county treasury except as provided in section 32 of this charter.

No officer or employee shall be paid for a greater time than that covered by his actual service; provided however, that the basic amount of salary, wage or other compensation, excluding premium pay differentials of any type whatsoever of any officer or employee who may be called upon for jury service in any municipal, state or federal court, shall not be diminished during the term of such jury service. There shall, however, be deducted from the amount of basic salary, wage or other compensation, excluding any pay premium differentials of any type whatso-

ever payable by the city and county to the officer or employee for such period as such officer or employee may be absent on account of jury service, any amounts which the officer or employee may receive on account of such jury service. Any absence from regular duty or employment while on jury duty shall be indicated on time rolls by an appropriate symbol to be designated by the controller.

PROPOSITION D

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 149 thereof, relating to emergency appointments.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 4, 1952, a proposal to amend the charter of said city and county by amending Section 149 thereof so that the same shall read as follows:

Emergency Appointments

Emergency appointments

Section 149. When no list of eligibles exists or no eligible is available on an existing list for a position in the class requisitioned by the appointing officer, and immediate service in the position is required by the appointing officer and another list exists which is deemed by the commission to be suitable to provide temporarily the service desired, the commission shall certify for civil service temporary appointment an eligible from such list; if no such other list deemed by the commission to be suitable exists, the commission pursuant to its rules may authorize the appointing officer to make a non-civil service or emergency appointment thereto for a period not exceeding ninety working days. Such non-civil service or emergency appointment, however, shall cease prior to the expiration of such ninety working days at the time a civil service eligible reports for duty as provided in section 148 of the charter.

If a list of eligibles exists for the position requisitioned, but immediate service is deemed necessary by the appointing officer pending the time an eligible from such list is certified and reports for duty as provided in section 148 of the charter, the commission may authorize the appointing officer to make a non-civil service or emergency appointment thereto for a period not exceeding thirty working days. Such non-civil service or emergency appointment, however, shall cease prior to the expiration of such thirty working days at the time a civil service eligible reports for duty as provided in section 148 of this charter.

No person shall be compensated under any non-civil service or emergency appointment or appointments as authorized under the provisions of the foregoing paragraphs of this section for a period exceeding ninety working days in any fiscal or calendar year, and no claim or warrant therefor shall be approved,

allowed or paid for any compensation in excess of such ninety working days in any fiscal or calendar year.

If no eligibles are available for appointment to a permanent position in the class requested by the appointing officer the commission shall immediately hold an examination and establish an eligible list for such position. If its annual appropriation is insufficient to meet the cost of said examination, it shall report to the mayor the estimated cost thereof, and the mayor shall request and the supervisors shall make supplemental appropriation therefor in the manner provided herein for supplemental appropriations.

Whenever the board of supervisors by a three-fourths vote of all its members shall declare that an unemployment emergency exists throughout the city and county because of extraordinary conditions due to unemployment, and shall fix the period during which such unemployment emergency shall be officially recognized, the civil service commission shall then have power to exempt from civil service examinations during such emergency period all places of employment that may be created by special appropriation to relieve such unemployment emergency; provided, that no action shall be taken under the provisions of this paragraph that will adversely affect the rights of civil service eligibles for employment in the usual temporary and permanent positions that are provided for in the annual salary ordinance. The civil service commission shall adopt special rules for the government of appointments to the emergency positions that may be created under the authority of this paragraph.

Proposition F

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 156 thereof, relating to the transfer in positions of disabled civil service employees.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 4, 1952, a proposal to amend the charter of said city and county by amending Section 156 thereof so that the same shall read as follows:

Transfer of Disabled

Transfer of disabled employees

Section 156. When a permanent civil service employee other than a member of the fire department and police department who has served not less than three (3) years in his position, has become incapable through advanced age, accident or other disability, of performing the duties of his position, the civil service commission may, with the consent of the appointing officer or appointing officers involved, transfer him to a position within his capacities to perform, whether or not within the classification for which he qualified for appointment, but such position shall

not be in a classification having a higher compensation schedule than the one from which he is transferred, and his compensation shall not thereafter be increased beyond the maximum salary for the classification to which such employee is transferred, nor in any event shall his salary be increased to equal the salary such employee would have received had he remained in his former position; provided, however, that a permanent employee, including any permanent member of the fire department and police department, who has become incapable of resuming his former position through disability incurred while on active service with the armed forces while on military leave may upon application after his discharge from military service be transferred under the provisions of this section, regardless of his length of service.

Employees transferred under the provisions of this section may, upon recovery from the disability, and with the consent of the civil service commission, return to a vacancy in their former classification.

Positions filled under the provisions of this section shall not be subject to salary standardization, but the salaries thereafter shall be fixed by the civil service commission within the limitations herein set forth, provided, however, that salaries of such employees who were transferred from or to positions the compensations for which are subject to section 151.3 hereof may be revised as of July 1st within the limitations herein set forth to reflect rates of pay adopted under the provisions of section 151.3 for the then ensuing fiscal year by appropriate amendment to the annual appropriation ordinance and annual salary ordinance but without reference or amendment to the annual budget. The civil service commission shall make rules to carry out the intent of this section and such rules shall govern all transfers made under the provisions of this section.

Proposition I

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 172 thereof, relating to disability benefits for bodily injury or illness suffered by members of Fire and Police Departments because of performance of duty, and to service credit during disability.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 4, 1952, a proposal to amend the charter of said city and county by amending Section 172 thereof so that the same shall read as follows:

Compensation Insurance Payments

Section 172. The benefit provisions of the workmen's compensation laws included in the Labor Code of the State of California, as they affect the benefits provided for or payable to

Compensation insurance payments

or on account of officers and employees, including teachers of the city and county, shall be administered exclusively by the retirement board, provided that the retirement board shall determine whether the city and county, through the retirement system, shall assume the risks under the said law, in whole or in part, or whether it shall reinsure such risks, in whole or in part, with the state compensation insurance fund. Benefits under such risks as may be assumed by the city and county, and premiums under such risks as may be reinsured shall be paid by the retirement system, and an amount equal to the total of such benefits and premiums, as determined by the actuary for any fiscal year, including the deficit brought forward from previous years, shall be paid during such fiscal year to the retirement system by the city and county.

Every patrol special police officer, as referred to in section 35 of this charter shall be entitled, under this section, to the benefits of such compensation law, if injured while performing regular city and county police duties, which shall include only duties performed while preventing the commission of a crime, or while apprehending the person or persons committing such crime, and shall not include duties of any character performed for private employers either on or off the premises of such employers, provided that no payments shall be made under this paragraph in the event that the patrol special officer shall receive the benefits of such compensation law from any other source.

Whenever any member of the fire or police department, as defined in sections 169, 171.1.1 and 168 1.1, respectively, is incapacitated for the performance of his duties by reason of any bodily injury received in or illness caused by the performance of his duty, as determined by the retirement board, he shall become entitled, regardless of his period of service with the city and county, to disability benefits equal to and in lieu of his salary as fixed by the charter, while so disabled, for a period or periods not exceeding twelve months in the aggregate, with respect to any one injury or illness. Said disability benefit shall be reduced in the manner fixed by the board of supervisors by the amount of any benefits other than medical benefits payable to such person under the Labor Code concurrently with said disability benefit, and because of the injury or illness resulting in said disability. Such disability benefits as are paid in the absence of payments of any benefits other than medical benefits under the workmen's compensation laws included in said Labor Code, shall be considered as in lieu of such benefits, payable to such person under the said Code concurrently with said disability benefits, and shall be in satisfaction and discharge of the obligations of the city and county to pay such benefits under the Labor Code. Medical treatment which may become necessary to relieve or cure said member from the effects of the injury or illness shall be furnished by the city and county, in the same manner that such treatment is furnished under said Labor Code, but without first requiring continuing awards of such treatment by the Industrial Accident Commission of the State of Cali-

fornia, relating to impairments of permanent or of extended and uncertain duration. The provisions of this paragraph shall be administered exclusively by the retirement board, and the city and county shall pay to the retirement system during each fiscal year, an amount equal to the total disability benefits paid by said system during that year. A member of the fire or police department shall receive credit as service, under the retirement system, for time during which he is incapacitated for performance of duty and receives said disability benefit. Contributions for the retirement system shall be deducted from said benefits in the same manner as they would be deducted from salary paid to him, and the city and county shall contribute, in addition to its other contributions provided herein, to the retirement system on the basis of said benefits in the same manner as it would contribute on salary paid to said member.

PROPOSITION J

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding Section 145.01 thereto, defining terms "Army, Navy or Marine Corps of the United States" and "Time of War" as used in the determination of veterans' credit in civil service examinations.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 4, 1952, a proposal to amend the charter of said city and county by adding Section 145.01 thereto, reading as follows:

Time of War

Section 145.01. In the administration hereafter of the provisions of section 145 of this charter, the terms Army, Navy or Marine Corps of the United States shall be deemed to include the Army, the Air Corps, the Navy, the Marine Corps, and the Coast Guard of the United States, and for the purpose of determining whether any person was mustered into, or served in, the Army, the Air Corps, the Navy, the Marine Corps, or the Coast Guard of the United States, in time of war, the expression, time of war, shall include the following periods of time: "Time of war"

(a) The period of time from the commencement of a war as shown by any declaration of war of the Congress of the United States, or by any statute or resolution of the Congress a purpose of which is to declare in any manner the existence of a state of war, until the time of termination thereof by any truce, treaty of peace, cessation of hostilities, or otherwise.

(b) The period of time during which the United States is or has been engaged in active military operations against any foreign power, whether or not war has been formally declared.

(c) The period of time during which the United States is or has been assisting the United Nations or any nation or nations in accordance with existing treaty obligations, in active military operations against any foreign power, whether or not war has been formally declared.

PROPOSITION L

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending sections 13 and 17 thereof, relating to action by resolution or ordinance and the codification of ordinances.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 4, 1952, a proposal to amend the charter of said city and county by amending sections 13 and 17 thereof, so that the same shall read as follows:

Action by Resolution or Ordinance

Action by resolution or ordinance

Section 13. Action by the board of supervisors shall be by ordinance or resolution in writing introduced by a member or by a committee of said board and passed or adopted by a majority of all the members of the board at each reading. Every legislative act shall be by ordinance. The enacting clause of all ordinances shall be, "Be it ordained by the people of the City and County of San Francisco." Every ordinance and resolution, except ordinances making appropriations, shall be confined to one subject which shall be clearly expressed in the title, and ordinances making annual or supplemental appropriations shall be confined to the subject of appropriations.

If any subject is embraced in an ordinance and is not expressed in the title thereof, the ordinance shall be void only as to so much thereof as is not expressed in the title. Any ordinance may be amended by an ordinance amending or repealing the particular sections thereof or adding sections thereto.

An ordinance shall be passed by the board of supervisors only after reference to and report thereon from committee, unless it be an ordinance prepared and reported out by committee, and after two readings and votes at separate meetings of the board, which meetings shall be at least five days apart; provided, however, that as to an emergency measure as defined in section 16, reference to committee or the readings and votes at separate meetings may be waived by a three-fourths vote of all members of the board. The existing or impending emergency as defined in such ordinance shall be declared by specific section in such emergency ordinance. The annual appropriation ordinance shall be passed only after two readings, not less than five days apart, and the second or final passage shall be not less than fifteen days after the introduction of each ordinance.

No ordinance granting a franchise shall be finally passed within ninety days of its introduction.

No resolution shall be adopted by the board of supervisors on the date of its introduction and without reference to committee, except by the unanimous consent of the supervisors present.

Except as otherwise provided in this charter, or by ordinance, notice of the title or the purport and subject matter of each proposed ordinance which is introduced and referred to committee shall be published within three days after its presentation to the board and a copy of such proposed ordinance shall be kept available for inspection in the office of the clerk of the board. All ordinances shall be published upon passage for second reading. Emergency ordinances shall be published immediately on passage. The term "published" as used in this charter shall mean publication in the official newspaper as required by charter. The official newspaper is hereby defined to be a daily newspaper of general circulation, published in the city and county and which has a bona fide daily circulation of at least 8,000 copies.

The vote on all ordinances and resolutions upon each reading shall be by ayes and noes. The vote by ayes and noes on all measures shall be recorded in the journal of the proceedings of the board.

Codification of Ordinances

Codification of ordinances

Section 17. Ordinances previously adopted and continuing in force may be codified or recodified or rearranged by ordinance. Any such ordinance shall supersede and repeal all general ordinances in effect prior thereto and shall be construed to be confined to a single subject.

Any such ordinance shall require publication only in bound or loose leaf book form, which shall constitute publication for all purposes. Any such publication shall contain certificates of the mayor, the clerk of the board of supervisors and the city attorney of the correctness of such codification and publication.

Any such ordinance shall be amended by an ordinance amending or repealing the particular sections thereof or adding sections thereto. For the purposes of any codification and the validity thereof, the procedure, effect, adoption or enactment and publication of any prior codification, including the enacting ordinance, amendments thereto, the contents of any such code, the certification and publication thereof and all other proceedings and matters in respect thereto, shall be deemed to be valid.

With any publication of the charter, there shall be included initiative ordinances and digests of reported court decisions relating to said charter and ordinances.

The board of supervisors shall have power to enforce by appropriate legislation the provisions of this section.

PROPOSITION N

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said City and County by adding thereto Section 165.1.3, relating to and increasing retirement allowances of miscellaneous officers and employees retired prior to July 1, 1947.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 4, 1952, a proposal to amend the charter of said city and county by adding thereto Section 165.1.3, to read as follows:

Retirement Continued—Increasing Retirement Allowances of Miscellaneous Officers and Employees Retired Prior to July 1, 1947

Retirement allowances

Section 165.1.3. Every retirement allowance payable by the San Francisco city and county employees' retirement system, for time commencing on the effective date of this section, hereby designated as the first day of the month next following its ratification by the Legislature, to or on account of any person who was retired prior to July 1, 1947, as a member of said system under section 165, is hereby increased by the amount of $25 per month, provided such member was entitled to be credited under the retirement system with at least twenty years of service upon which the retirement allowance was determined at retirement. If the member was entitled to be credited with less than twenty years of such service, then said monthly increase shall be an amount which shall bear the same ratio to $25 that the service with which the member was entitled to be credited at effective date of retirement, bears to twenty years. This section does not give any member retired prior to the effective date hereof, or his successors in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for time prior to said effective date. If a member elected at retirement to have his retirement allowance modified under Options 2 or 3, provided by ordinance, and if his beneficiary is living on said effective date, the increase in his allowance shall be modified under the option elected at retirement, and on the basis of current ages, mortality tables and interest rate. If the beneficiary of such a person who elected at retirement to have his allowance modified under one of said options is not living on said effective date, or if the retired member is not living on said effective date and the beneficiary is receiving the modified retirement allowance, then the allowance shall be increased as provided herein for persons who did not elect an option.

The increase in the retirement allowance shall be apportioned between service rendered prior to the entry of the member into the retirement system and service rendered as a member, in the same proportion that such prior and current service

respectively, bears to the total service credited at retirement. Contributions to the retirement system necessary for the payment of the increases in the retirement allowances provided in this section, shall be provided, with respect to the portion of the benefit based on service rendered as members, from the reserves held by the retirement system on account of miscellaneous members, the necessary amount being transferred upon said effective date, from said reserves to the reserves held by the retirement system to meet the obligations on account of benefits that have been granted and on account of prior service of members. The contribution being required of the city currently, as percentages of salaries of persons who are members under section 165.2, shall be increased to percentages determined by the actuary as necessary to replace the reserves so transferred. Contributions to the retirement system necessary for the payment of said increases with reference to prior service, shall be paid to the system by the city and county by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

PROPOSITION O

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding Section 38.01 thereto, relating to the Bureau of Fire Prevention and Public Safety and the Bureau of Fire Investigation.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 4, 1952, a proposal to amend the charter of said city and county by adding Section 38.01 thereto, to read as follows:

Fire Prevention Continued; Fire Investigation

Fire Department personnel

Section 38.01. Notwithstanding the provisions of section 38 of the charter, the following ranks are hereby established within the fire department as of July 1, 1953; captain, bureau of fire prevention and public safety; lieutenant, bureau of fire prevention and public safety; lieutenant, bureau of fire investigation; inspector, bureau of fire prevention and public safety; and investigator, bureau of fire investigation. Any member of the fire department now assigned as captain, bureau of fire prevention and public safety, lieutenant, bureau of fire prevention and public safety, lieutenant, bureau of fire investigation, inspector, bureau of fire prevention and public safety, or investigator, bureau of fire investigation, shall, if he has been performing such duties on July 1, 1952 and continuously thereafter for the period of one year, or for a period of one year from July 1, 1951 to July 1, 1952 inclusively, be declared permanently ap-

pointed to such rank as if appointed thereto after examination and certification from a list of eligibles under the civil service provisions of this charter, and thereafter shall hold such position under the civil service provisions of this charter; provided that as to any member assigned to either of said bureaus who is or was on military leave during any of the periods of time above stated such military leave shall be considered as service in the assignment from which leave was granted.

Vacancies existing in the several ranks established by this section shall be subject to competitive examination, and the provisions of section 146 of the charter relating to the fire department shall apply except as otherwise provided herein. Personnel of the fire department eligible to participate in an examination for the rank of captain, bureau of fire prevention and public safety shall come from the rank of captain. Personnel of the fire department eligible to participate in examinations for the rank of lieutenant, bureau of fire prevention and public safety and lieutenant, bureau of fire investigation shall come from the rank of lieutenant. Personnel of the fire department eligible to participate in examinations for the rank of inspector, bureau of fire prevention and public safety and investigator, bureau of fire investigation shall come from the ranks of hoseman, truckman and chief's operator. Nothing in this section shall prohibit captain, bureau of fire prevention and public safety nor captain from participating in an examination for the rank of battalion chief. Nothing in this section shall prohibit lieutenant, bureau of fire prevention and public safety nor lieutenant, bureau of fire investigation nor lieutenant from participating in an examination for the rank of captain. The ranks of inspector, bureau of fire prevention and public safety and investigator, bureau of fire investigation shall be considered equal with the ranks of chief's operator, hoseman and truckman for promotional examination to the rank of lieutenant.

The rates of compensation for the ranks of captain, bureau of fire prevention and public safety and lieutenant, bureau of fire prevention and public safety and lieutenant, bureau of fire investigation shall be $20.00 per month in addition to the amounts provided for the ranks of captain and lieutenant as provided for in section 36.2 of the charter. The rates of compensation for the ranks of inspector, bureau of fire prevention and public safety and investigator, bureau of fire investigation shall be the same as for the rank of chief's operator as provided in section 36.2 of the charter.

Proposition P

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding Section 158.2 thereto, relating to the retirement of elective officers.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city

and county at an election to be held therein on November 4, 1952, a proposal to amend the charter of said city and county by adding Section 158.2 thereto, reading as follows:

Retirement of Elective Officers (Continued)

Section 158.2. Notwithstanding the provisions of section 158.1 of this charter, elective officers, except members of boards and commissions, shall be members of the San Francisco City and County Employees' Retirement System under section 165.2 instead of section 158.1; and, notwithstanding the provisions of subdivision (B) of section 165.2, elective officers who are members of the retirement system under section 165.2 shall be retired on the day following the end of the term of office in which the age of seventy years is attained. Contributions, with credited interest, standing to the credit of such individual officers shall be adjusted, as of the effective date hereof, to the amount which they would have been, if the contributions had been made in accordance with section 165 prior to July 1, 1947 and section 165.2 after June 30, 1947. Time during which said members have rendered service as elective officers shall be included under subsection (G) of section 165.2, in addition to other time now so included. Contributions required to provide benefits based on service rendered as an elective officer prior to the effective date of membership in the retirement system, shall be paid to the retirement system in the manner provided in section 165.2 for contributions for service rendered prior to the date upon which the member's rate of contribution is based. Elective officers in office on the effective date of this section who are members of the retirement system under section 158.1 at such time, shall have the option to continue as members of the retirement system under section 158.1 instead of this section, to be exercised in writing on a form furnished by the retirement system and to be filed at the office of said system not later than ninety days after the effective date hereof.

Retirement of elective officers

PROPOSITION Q

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding Section 158.3 thereto, relating to inclusion of certain employees and attaches of the Superior and Municipal Courts in the City and County Employees Retirement System.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 4, 1952, a proposal to amend the charter of said city and county by adding Section 158.3 thereto, reading as follows:

Retirement—Court Employees and Attaches

Sec. 158.3. Employees and attaches of the Superior or Municipal Court, including persons performing duties now performed under the titles of commissioners, phonographic re-

Retirement of court employees and attaches

porters who are paid compensation on a monthly or per diem basis by the city and county, secretaries, stenographers, investigators, messengers and other employees of the Superior and Municipal Courts, in and for the City and County of San Francisco, shall be members of the San Francisco City and County Employees' Retirement System under Section 165 2, and shall be subject to all of the conditions applying to other members under that section, except as herein otherwise provided.

Service rendered to the said Superior or Municipal Court in and for the city and county, other than as a phonographic reporter, by persons prior to becoming members under this section on the effective date of this section, hereby declared to be the first day of the month next following its ratification by the Legislature, shall be credited under the retirement system to such persons, provided that it would have qualified for credit when rendered, if said persons had been subject then, as they will be under this section, to the provisions of Section 165.2 of this charter and of the ordinances and provisions of the Municipal Code of the City and County of San Francisco relating to retirement of members under said section.

Service rendered to said Superior Court on and after September 15, 1945, or to said Municipal Court on and after September 1, 1947, by phonographic reporters prior to becoming members under this section on the effective date of this amendment shall be credited under the retirement system to such persons.

Said service, rendered prior to becoming a member under this section on the effective date of this section, shall only be credited to each of such persons if he elect, by written notice, on a form provided by the retirement system, filed in the office of the retirement board of said system prior to July 1, 1953, to receive credit for all or any part of said service, and to pay into the retirement fund, at times and in the manner hereinafter provided, the following amounts: (1) an amount equal to the normal contributions he would have contributed, had he been a member of the retirement system under Section 165.2, during the time for which he has elected to receive credit for service, on the basis of compensation paid to him by the city and county on account of said service, and (2) an amount equal to the interest which would have been credited to his account on account of such contributions from the date upon which they would have been made, to the date of payment of such contributions to the retirement system. However, a member shall not receive credit for any portion of such service rendered prior to April 1, 1922, unless he has elected to receive credit for, and has paid into the retirement fund such amounts with respect to, all of said service rendered after March 31, 1922. Such amounts shall be paid into the retirement fund by lump sum payment, or pay roll deductions or other installments, over a period not exceeding thirty-six months from July 1, 1953, provided that any balance remaining unpaid at his retirement shall become due and payable forthwith. Benefits, not provided by such amounts, granted to said persons on account of said service rendered

prior to the effective date of membership under this section, shall be provided by contributions of the city and county. Such service shall include time during which such person was absent from a status included in the paragraph above by reason of service in the armed forces of the United States in any war in which the United States has engaged.

Notwithstanding the foregoing provisions, any such employee or attache not already a member of the system and who is such an employee or attache on the effective date of this amendment, shall not become a member of the retirement system, unless he elect prior to July 1, 1953, on a form provided by the retirement system, to be a member of said system, and if he does not so elect, he shall not be a member of the retirement system, and shall not be prevented from continuing in such employment by reason of such provision.

STATE OF CALIFORNIA }
CITY AND COUNTY OF SAN FRANCISCO } ss

Certificate

This is to certify that we, Dewey Mead, President of the Board of Supervisors of the City and County of San Francisco, and John R. McGrath, Clerk of the Board of Supervisors of said City and County, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals which were submitted to the electors of said City and County at a general presidential and special municipal election held on Tuesday, the fourth day of November, One Thousand Nine Hundred Fifty-Two, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this _____ day of _____ One Thousand Nine Hundred and Fifty-Two.

DEWEY MEAD
(SEAL) President of the Board of Supervisors of the City and County of San Francisco

JOHN R. MCGRATH
Clerk of the Board of Supervisors of the City and County of San Francisco

Approved as to form:
DION R. HOLM
City Attorney
By WALKER PEDDICORD
Deputy City Attorney

Now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City and County of San

Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the City and County of San Francisco.

CHAPTER 3

Assembly Concurrent Resolution No. 3—Relative to approving certain amendments to the charter of the City of Sacramento, a municipal corporation of the State of California, voted for and ratified by the qualified electors of said city at a special municipal election consolidated with the general election held therein on the fourth day of November, 1952.

[Filed with Secretary of State January 9, 1953]

City of Sacramento Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of certain amendments hereinafter set forth to the charter of the City of Sacramento, a municipal corporation, as set out in the certificate of the Mayor and City Clerk of the City of Sacramento, as follows, to wit:

CERTIFICATE OF RATIFICATION OF ELECTORS OF THE CITY OF SACRAMENTO OF CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA
COUNTY OF SACRAMENTO } ss.
CITY OF SACRAMENTO

Certificate

We, the undersigned, Leslie E. Wood, Mayor of the City of Sacramento, State of California, and H. G. Denton, City Clerk of said city, hereby certify and declare as follows:

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and was at all times herein mentioned, a city having a population of more than 50,000 inhabitants and has been ever since the year 1921 and now is organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section Eight of Article Eleven of the Constitution of the State of California, which Charter was duly ratified by the majority of the Qualified Electors of said city at a Special Municipal Election held for that purpose on the 30th day of November, 1920, and approved by the Legislature of the State of California on the 24th day of January 1921 (Statutes of 1921, page 1919);

That, in accordance with the provisions of Section Eight of Article Eleven of the Constitution of the State of California, the City Council of said City of Sacramento, being the Legislative Body thereof, on its own motion, by Resolution Number 175, adopted on the 28th day of August 1952, duly proposed to the Qualified Electors of the City of Sacramento certain amendments to the Charter of said city to be submitted to said

Qualified Electors at a Special Municipal Election consolidated with the General Election to be held in said city on the 4th day of November 1952, which said amendments were and are, and each of them was and is in the words and figures as follows:

PROPOSAL No. "F"

To amend Article XXII, Sections 206, 207 and 208 of the Charter of the City of Sacramento to read as follows:

Superseding Franchise

Sec. 206. The Council may, upon application of the holder of more than one existing franchise pertaining to the same utility or public service grant a new franchise to such holder, as hereinafter provided, to supersede all of the said existing franchises. Superseding franchise

Term of Franchise

Sec. 207. Any franchise granted by the City may be indeterminate or for a term of a specified number of years as the City Council may determine in the ordinance granting such franchise. Term of franchise

An indeterminate franchise is defined as one that shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase, or shall condemn and take under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the City of Sacramento, or until the franchise shall be forfeited for non-compliance with its terms by the possessor thereof.

Termination of Franchise

Sec. 208. Any franchise may be forfeited at any time within the term for which it was granted for a wilful breach of a material term or condition thereof, or the holder thereof may, with the consent of the City, surrender the franchise. During the term of any franchise, the City shall have the right at any time to purchase the property of the holder thereof as hereinafter provided. Upon the expiration or other termination of the corporate life of a corporation, any franchise held by it may, at the option of the City, be cancelled and terminated. Termination of franchise

PROPOSAL No. "G"

To amend Article XX, Sections 167, 173 and 175 of the Charter of the City of Sacramento to read as follows:

Pension Board

Retirement System Creation

Sec. 167. In order to continue in force, with such modifications as are set forth in this Charter, provisions already existing for retirement and death benefits for officers and employees of the City, the Sacramento City Employees' Retirement System, hereinafter referred to as the Retirement System or the System, is hereby created. Elective officers and members of Board and Commissions shall not be eligible to membership in said Retirement System, and the City Council may exclude from such membership persons employed on a temporary or part-time basis. The City Council is hereby empowered to enact, by a vote of three-fourths of its members, any and all ordinances necessary to carry into effect the provisions of Sections 167 to 175, both inclusive, of this Charter provided that the said Council shall secure, through the Retirement Board, an actuarial report of the cost and effect of any proposed change in the benefits under the Retirement System, before enacting an ordinance or before voting to submit any proposed Charter amendment providing for such change.

City Manager

The City Manager in office upon the date when this Section becomes effective shall receive credit for service rendered by him to the City prior to that date, and shall pay to the Retirement System in one sum or in installments, (1) an amount equal to the contributions and interest which would have been credited to him on the effective date hereof, if he had never been excluded from membership in the Retirement System, and (2) interest on the amount in (1) immediately preceding from said effective date to the date of payment to said System. Payment of the amount due shall be completed not later than thirty-six months after said effective date, or the date of his earlier retirement. Said City Manager's rate of contribution shall be based on his nearest age at the date of his employment by the City.

Disabled employees

Sec. 173(b). Any member of the Retirement System who shall become disabled by reason of any bodily injury received in the performance of duty may be retired, and if not qualified for service retirement, he shall receive a retirement allowance equal to seventy-five per cent (75%) of the average monthly salary paid him one year prior to his retirement. Such retirement allowance shall be paid until the date upon which said member would have qualified for service retirement had such member rendered service without interruption, and on and after said date said retirement allowance shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the average monthly salary paid him one year prior to retirement, according to the rank or ranks held by him during the year next preceding his retirement. If at the time of retirement for disability, the member is qualified for retirement for service, said member shall receive a retirement allowance equal to one-half (½) the average monthly salary paid him one year prior to his retirement. In case his disability

shall cease, his allowance shall cease, and he shall be restored to service in the rank he occupied at the time of his retirement. If an allowance is continued, in accordance with paragraph (d) of this Section, because of the death of a member retired under this paragraph, prior to the date upon which the member would have qualified for service retirement, the allowance continued shall be reduced upon said date in the same manner as the member's allowance would have been reduced had the member not died.

Sec. 173.1. Persons who have not retired and who are members of the Retirement System under Section 175, and who elected to be such members rather than members under Section 173, shall have the option of being members under Section 173 instead of Section 175, said option to be exercised in writing on a form furnished by the Retirement Board, to be filed in the office of said Board not later than ninety (90) days after the effective date hereof, hereby declared to be the first day of the month next following its ratification by the Legislature. Any such person who affirmatively exercises such option within the time specified, shall be subject to the provisions of Section 173, beginning on the first day of the month in which said form is filed as required, and said person shall no longer be subject to the provisions of Section 175. The contributions with interest standing to the credit of such person on such effective date, however, shall not be affected by change of membership from Section 175 to Section 173. Option

Retirement—Miscellaneous Officers and Employees

Sec. 175.1. Miscellaneous officers and employees, as defined in section 175.2, who are members of the Retirement System under section 175 of the Charter on the effective date hereof, hereby designated as the first day of July, 1953, and persons who become miscellaneous officers and employees after said effective date, shall be members of the Retirement System under this section 175.1 on and after said date and shall be subject to the following provisions of section 175.1 and sections 175.2, 175 3, 175.4, 175.5, 175.6, 175.7, 175.8, 175.9, 175.10, 175.11 and 175.12 (which shall apply only to members under section 175.1 unless otherwise indicated) in addition to the provisions contained in sections 167 to 172, both inclusive, of this Charter notwithstanding the provisions of any other section of the Charter, provided that the Retirement System shall be applied to persons employed on a part-time, temporary or substitute basis only as the City Council shall determine by ordinance enacted by three-fourths of all members of the Council. Miscellaneous officers and employees

Sec. 175.2. The following words and phrases as used in this section, unless a different meaning is plainly required by the context, shall have the following meaning: Definitions

"Retirement allowance," or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retire-

ment, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the workmen's compensation laws of the State of California, shall mean all remuneration whether in cash or by other allowances made by the City for service qualifying for credit under this section.

"Compensation earnable" shall mean the compensation as determined by the Retirement Board, which would have been earned by the member had he worked, throughout the period under consideration, the average number of days ordinarily worked by persons in the same grade of class of positions as the positions held by him during such period and at the rate of pay attached to such positions. The computation for any absence of a member shall be based on the compensation earnable by him at the beginning of the absence, and that for time prior to entering the service of the City, shall be based on the compensation earnable by him in the position first held by him in such service.

"Benefit" shall include "allowance," "Retirement allowance," and "death benefit."

"Accumulated normal contributions" shall mean normal contributions plus interest.

"Final compensation" means the highest average annual compensation earnable by a member during any period of five consecutive years during his membership in the system. For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of five consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation.

For the purposes of the retirement system and of this section, the terms "miscellaneous officer or employees," or "member," as used in this section shall mean any officer or employee who is not a member of the fire or police departments as defined in the Charter for the purpose of the retirement system and is not a member of the Retirement System under section 173 of the Charter.

"Retirement system" or "system" shall mean Sacramento Employees' Retirement System as created in section 167 of the Charter.

"Board" or "retirement board" shall mean retirement board as created in section 159 of the Charter.

"Council" shall mean the Council of the City of Sacramento.

"Charter" shall mean the Charter of the City of Sacramento.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

Computation of allowance

Sec. 175.3. Any member who completes at least twenty years of service in the aggregate, credited in the retirement system and attains the age of fifty-five years, said service to be computed under section 175.8, may retire for service at his option. Members shall be retired for service on the first day of the month next following the attainment by them of the age of seventy years. Upon retirement for service, a member shall receive a service retirement allowance equal to the fraction of one-sixtieth of his final compensation, set forth opposite his age at retirement, taken and applied by interpolation of said fractions to the preceding quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of service with which he is entitled to be credited:

Age at Retirement	Fraction Men	Women
55	.7381968	.7606902
56	.7822692	.8015202
57	.8300286	.8454756
58	.8818560	.8929770
59	.9382848	.9443484
60	1.0000000	1.0000000
61	1.0544790	1.0529628
62	1.1113284	1.1085072
63	1.1712492	1.1672862
64	1.2344172	1.2296820
65 and over	1.3015110	1.2959700

The fractions herein set forth at ages other than age 60 are based on the interest rate and mortality tables used under the Retirement System with respect to miscellaneous members on the effective date hereof, and shall be adjusted by the board in accordance with such interest and mortality tables as the board may adopt with respect to such members.

Before the first payment of a retirement allowance is made, a member retired under this section or section 175.4 may elect to receive the actuarial equivalent of his allowance, partly in a lesser allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons provided that such election shall be subject to all the conditions prescribed by the Council to govern similar elections by other members of the retirement system, including the character and amount of such other benefits. The service retirement allowance upon retirement after twenty years of service and after attaining the age of sixty-five years, shall not be less than sixty dollars ($60.00) per month, prior to modi-

fication under the election provided in the next preceding sentence, and exclusive of any benefit provided by additional contributions. Part-time service and compensation shall be reduced to full-time service and compensation in the manner prescribed by the Council, and when so reduced shall be applied on full-time service and compensation in the calculation of retirement allowances.

Disability

Sec. 175.4. Any member who becomes incapacitated for performance of duty because of disability determined by the retirement board to be of extended and uncertain duration, and who shall have completed at least ten years of service, in the aggregate, credited under the retirement system, computed as provided in section 175.8 shall be retired upon an allowance of one and one-half per cent of his final compensation, as defined in section 175.2 hereof for each year of credited service, if such retirement allowance exceeds one-fourth ($\frac{1}{4}$) of his final compensation; otherwise one and one-half ($1\frac{1}{2}$) per cent of his final compensation multiplied by the number of years of service which would be creditable to him were such service to continue until attainment by him of age sixty, but such retirement allowance shall not exceed one-fourth ($\frac{1}{4}$) of such final compensation. Part-time service and compensation shall be reduced to full-time service and compensation in the manner prescribed by the Council, and when so reduced shall be applied as full-time service and compensation in the calculation of retirement allowances. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the office or department in which the member is employed, or by said member or his guardian. The application or motion for retirement, however, only shall be made not later than the last day for which the member receives compensation, or within four months after the last day for which compensation is paid, or while he is physically or mentally incapacitated to perform his duties from such last day to the time of the application or motion. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to service in the position or classification he occupied at the time of his retirement.

Effect of workmen's compensation

Sec. 175.5. No modification of benefits provided for or on account of persons who are members under Section 175.1, shall be made because of any amounts payable to or on account of any member under workmen's compensation laws included in the Labor Code of the State of California.

Death benefits

Sec. 175.6. If a member shall die before retirement, regardless of cause, and not later than the last day for which he receives compensation, or within four months after the last day for which the member receives compensation, or while the member is physically or mentally incapacitated for the performance of his duties, if such incapacity has been continuous from such last day to the date of death, a death benefit shall be paid to his estate or designated beneficiary consisting of an amount equal to one-twelfth ($\frac{1}{12}$) of the compensation earnable by him

during the twelve months immediately preceding death multiplied by his completed years of service as a member of the System, not to exceed six, plus his contributions and interest credited thereon. Upon the death of a member after retirement and regardless of the cause of death, a death benefit in the amount of Three Hundred Dollars ($300.00) shall be paid to his estate or designated beneficiary.

Election to withdraw contributions

Sec. 175.7. Should any miscellaneous member cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his contributions, with interest credited thereon, shall be refunded to him subject to the conditions prescribed by the Council to cover similar terminations of employment and re-employment with and without re-deposits of withdrawn accumulated contributions, of other members of the retirement system, provided that if such a member is entitled to be credited with accumulated contributions which exceed Five Hundred Dollars ($500.00), he shall have the right to elect, without right of revocation and within 90 days after said termination of service, or if the termination was by lay-off, 90 days after the retirement board determines the termination to be permanent, 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 at least 20 years of service. 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 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 section 175.6 shall be computed upon the basis of his average annual compensation earnable for the year preceding the date of termination of such service, multiplied by the years of city service prior to such termination not to exceed six.

Computation of service time

Sec. 175.8. The following time and service shall be included in the computation of the service to be credited to a member for the purpose of determining whether such member qualifies for retirement and of calculating benefits, but only if withdrawn accumulated normal contributions based on such time and service, have been or are redeposited in the Retirement System:

(1) Time during which said member is a member of the Retirement System and during and for which said member is

entitled to receive compensation because of service as a miscellaneous officer or employee.

(2) Service in the fire and police departments which is not requisite to membership under Section 175.1, shall be credited under this section upon a change in status of a member of either of such departments entitling him to membership in the Retirement System under section 175.1, provided that the accumulated normal contributions standing to the credit of such member, including amounts redeposited by him, shall be adjusted by refund to the member or by payment by the member to bring the amount to the amount which would have been credited to him had the member been a miscellaneous employee throughout the period of his service in either of such departments at the compensation he received in such departments.

(3) Time during which said member is absent in military service from a status included in paragraphs (1) or (2) next preceding, and for which such member is entitled to receive credit as service for the city by virtue of contributions made by or for him, as provided by the Council.

(4) Prior service determined and credited as prescribed by the Council for other members of the System

Source of payments

Sec. 175.9. All payments provided hereunder to or on account of persons who are members under Section 175.1, shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) The normal rate of contribution of each member under section 175.1 shall be based on his nearest age at the effective date of his membership in the Retirement System. The normal rate of contribution of each such member, to be effective from the effective date of membership under said section, shall be such as, on the average for such member, will provide, assuming service without interruption under section 175 3, one-half of that portion of the service retirement allowance to which he would be entitled if retired at age sixty. The normal rate established for age 59 shall be the rate for any member who has attained a greater age before entrance into the System, and that established for age 20 shall be the rate for any member who enters the System at a lesser age. Members' normal rates of contribution shall be changed by the Board in the manner prescribed by the Council for changing contribution rates of members on the basis of a periodical actuarial valuation and investigation provided by the Charter and the Council. No adjustment shall be included in members' normal rates because of time during which members have contributed at different rates.

(2) There shall be deducted from each payment of compensation made to a member under Section 175.1, a sum determined by applying the member's normal rate of contribution to such compensation. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with

interest credited thereon in the same manner as is prescribed by the Council for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to said member, or shall be paid to said member or his estate or beneficiary as provided in sections 175.6 and 175.7. Subject to rules prescribed by the Board, any member may elect to make contributions in excess of his contributions herein required, for the purpose of providing additional benefits, and benefits provided hereunder for such member shall be exclusive of such additional benefits. The exercise of this privilege by a member does not require the City to make any contributions. Additional contributions shall be administered in the same manner as normal contributions.

(3) Contributions based on time included in paragraphs (1) and (3) of section 175.8, and deducted prior to the effective date hereof, from compensation of persons who become members under Section 175.1 and standing with interest thereon, to the credit of such members on the records of the Retirement System on said date, shall continue to be credited to the individual accounts of said members and shall be combined with and administered in the same manner as the contributions deducted after said date.

(4) The total contributions, with interest thereon, made by or charged against the City and standing to its credit, on the effective date hereof, in the accounts of the Retirement System, on account of persons who become members under section 175.1, shall be applied to provide the benefits hereunder for or on account of them.

(5) The City shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this section 175.9, to provide the benefits payable to or on account of persons who are members under Section 175 1. Such contributions of the City to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which his rate of contribution is determined in paragraph (1), Section 175.9, shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the City to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total salaries paid during said year, to persons who are members under section 175.1, said percentage to be the ratio of the value at the effective date hereof or at the date of the last valuation prior to said date, or at the later date of a periodical actuarial valuation and investigation into the experience under the System as provided by the Charter and the Council, of the benefits thereafter to be paid to or on account of persons who are members under Section 175.1, from contributions of the City, less the amount of such contributions,

and plus accumulated interest thereon, then held by said system to provide said benefits on account of service rendered by respective members after the date stated in the sentence next preceding, to the value at said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed by the Board on the basis of said values determined in said periodical actuarial valuation and investigation into the experience under the system. Nothing in this paragraph, however, shall prevent the calculation and use under the System in the manner described for the percentage under this paragraph, of one percentage relating to all persons who are members under Section 175.1 and Section 175.13, and to be applied to the total compensation paid during the respective year to such persons, for the determination of the City's contribution to the Retirement System, with substantially the same effect as if separate percentages had been calculated under the respective sections. The percentage to be used under said two sections, shall be ten and forty-one hundredths per cent (10.41%) until redetermined by the Retirement Board on the basis of the periodical investigation and actuarial valuation under the System, and the contributions resulting from its use shall be applied to provide part of the benefits under both of said sections, without segregation according to section.

(6) To promote the stability of the retirement system through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the City held by the system to provide the benefits for or on account of persons who are members under Section 175.1, shall be a part of the fund in which all other assets of said system are included. Nothing in this section shall affect the obligations of the City to pay to the retirement system any amounts which may or shall become due under the provisions of the Charter prior to the effective date hereof, and which are represented on said effective date, in the accounts of said system by debits against the City.

Right to retire

Sec. 175.10. Upon the completion of the years of service set forth in section 175.3 of this Charter as requisite to retirement, a member shall be entitled to retire at any time thereafter in accordance with the provisions of said section 175.3 and nothing shall deprive said member of said right.

Employment after retirement

Sec. 175.11. No person retired for service under section 175.3 or for disability under section 175.4, and entitled to receive a retirement allowance under the Retirement System shall serve in any elective or appointive position in the City service, including membership on boards and commissions, nor shall such persons receive any payment for service rendered to the

City after retirement, provided that service as an election officer or juror shall not be affected by this section.

Should any such person retired for disability, engage in gainful occupation prior to attaining the age of fifty-five years, the retirement board shall reduce that part of his monthly pension or retirement allowance which is provided by contributions of the City, to an amount which, when added to the amount earned monthly by him in such occupation, shall not exceed the amount of the maximum compensation earnable by a person holding the position which he held at the time of his retirement, or if that position has been abolished, the maximum compensation earnable by a person holding it immediately prior to its abolition.

Construction

Sec. 175.12. Any section or part of any section in this Charter, insofar as it should conflict with these sections 175.1, 175.2, 175.3, 175.4, 175.5, 175.6, 175.7, 175.8, 175.9, 175.10, 175.11 and 175.12, or with any part thereof, shall be superseded by the contents of these sections. In the event that any word, phrase, clause or subsection of these sections shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

Constitutionality

Retirement—Firemen and Policemen

Retirement from Fire and Police Departments

Sec. 175.13. Members of the Fire and Police Departments, as defined in Section 170 who are members of the Retirement System under Section 175 of the Charter on the effective date hereof, hereby designated as the first day of July, 1953, and persons who become members of said departments after said effective date, shall be members of the Retirement System under this section 175.13 on and after said date, and shall be subject to the following provisions of Sections 175.14, 175.15, 175.16, 175.17, 175.18, 175.19, 175.20, 175.21, 175.22, 175 23, 175.24, 175.25 and 175.26 (which shall apply only to members under Section 175.13) in addition to the provisions contained in sections 167 to 172, both inclusive.

Definitions

Sec. 175.14. The following words and phrases as used in this section, unless a different meaning is plainly required by the context, shall have the following meaning:

"Retirement allowance," "death allowance" or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation", as distinguished from benefits under the Workmen's Compensation laws of the State of California, shall means the remuneration payable in cash, by the City, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the Police or Fire Department, but excluding remuneration paid for overtime.

"Compensation earnable" shall mean the compensation as determined by the Retirement Board, which would have been earned by the member had he worked throughout the average number of days ordinarily worked by persons in the same grade or class of positions as the positions held by him during such period, and at the rate of pay attached to such positions. The computation for any absence of a member shall be based on the compensation earnable by him at the beginning of the absence and that for time prior to entering the Fire or Police Department, shall be based on the compensation earnable by him in the position first held by him in such departments.

"Benefit" shall include "allowance," "retirement allowance", "death allowance" and "death benefit."

"Accumulated normal contributions" shall mean normal contributions plus interest.

"Final compensation" means the highest average annual compensation earnable by a member during any period of five consecutive years during his membership in the System. For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of five consecutive years, if the periods of service are consecutive except for such breaks If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation.

"Retirement system" or "system" shall mean Sacramento City Employees' Retirement System as created in section 167 of the Charter.

"Retirement board" shall mean "retirement board" as created in section 168 of the Charter.

"Council" shall mean the Council of the City of Sacramento.

"Charter" shall mean the Charter of the City of Sacramento.

Words used in the masculine gender shall include the feminine and neuter genders, and singular members shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

Minimum service

Sec. 175.15. Any member of the Fire or Police Department who completes at least twenty years of service in the aggregate and attains the age of fifty-five years, said service to be computed under Section 175.22, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of sixty-five years. A member retired after meeting the service and age requirements in the two sentences next preceding, shall receive a retirement allowance equal to the same percentage of the final compensation of said

Computation of allowance

member, regardless of his age at retirement, for each year of service in the aggregate, computed under Section 175.22, as the contributions of the member and the City are calculated to provide upon retirement for service at age 55, or upon completion of 20 years of such service at an age higher than 55, or upon retirement with less than 20 years of such service at age 65, for each year of such service. Any member may retire for service after attaining the age of fifty years and rendering at least twenty years of service in the aggregate, computed under Section 175.22, but if his retirement is below age fifty-five, his retirement allowance shall be such as can be provided at the age of retirement by the actuarial value, at the age of retirement, of the retirement allowance to which he would be entitled at the date upon which he would qualify for retirement under the first sentence of this paragraph, deferred to that date. If, at the date of retirement for service, or retirement for disability resulting from an injury received in performance of duty, said member has no wife, children, or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section, or section 175.16, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the Council to govern similar election by other members of the Retirement System, including the character and amount of such other benefits.

Service disability Allowance

Sec. 175.16. Any member of the Fire or Police Department who becomes incapacitated for the performance of his duty by reason of any bodily injury received in, or illness caused by performance of his duty, and if such incapacity is determined by the Board as being of extended and uncertain duration, shall be retired. If he is not qualified for service retirement, he shall receive a retirement allowance equal to fifty per cent of the final compensation of said member. If at the time of retirement because of disability, he is qualified as to age and service for retirement under Section 175.15, he shall receive an allowance equal to the retirement allowance he would receive if retired under Section 175.15, but not less than fifty per cent of said final compensation. Any member of the Fire or Police Department who becomes incapacitated for performance of his duty, by reason of a cause not included under the provisions of the immediately preceding sentence, and who shall have completed at least ten years of service in the aggregate, computed as provided in Section 175 22, shall be retired upon an allowance of one and

one-half per cent of the final compensation of said member as defined in Section 175.14 for each year of service, provided that said allowance shall not be less than twenty-five per cent of said final compensation. The question of retiring a member under this section may be brought before the Retirement Board on said Board's own motion, by recommendation of the head of his department, or by said member or his guardian. The application or motion for retirement, however, only shall be made not later than the last day for which the member received compensation, or within four months after the last day for which compensation is paid, or while he is physically or mentally incapacitated to perform his duties from such last day to the time of the application or motion. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

Death before retirement. Allowance

Sec. 175.17. If a member of the Fire or Police Department shall die before retirement by reason of an injury received in, or illness caused by the performance of his duty, a death allowance shall be paid, beginning on the date next following the date of death, to his surviving wife throughout her life or until her remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he had been retired for service on the day of death, but such allowances shall not be less than fifty per cent of the average monthly compensation earnable by said member during the five years immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to fifty per cent of the average monthly compensation earnable by said member during the five years immediately preceding death. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, until every child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining age eighteen. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving widow otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife following the death of a member unless she was married to the member prior to the date of the injury or onset of the illness which results in death.

Death after retirement Allowance

Sec. 175.18. Upon the death of a member after retirement for service or because of disability which resulted from injury received in, or illness caused by the performance of duty, one-half his retirement allowance shall be continued throughout

life or until remarriage, to his surviving 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 eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or onset of the illness which was incurred in performance of duty and which results in death, or if death does not result from such injury or illness, unless she was married to the member at least one year prior to retirement.

Sec. 175.19. That portion of any allowance payable because of the death or retirement of any member of said departments which is provided by contributions of the City shall be reduced in the manner fixed by the Council, by the amount of any benefits other than medical benefits, payable to or on account of such person, under the Workmen's Compensation Laws of the State of California and because of the injury or illness resulting in said death or retirement. Such portion as is paid because of death or retirement which resulted from injury received in or illness caused by performance of duty, and in the absence of payments of any benefits other than medical benefits under said laws, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under said laws, and shall be in satisfaction and discharge of the obligation of the City to pay such benefits.

Sec. 175.20. If a member of the Fire or Police Department shall die before retirement, from causes other than an injury received in or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under section 175.17 preceding, and if death shall occur not later than the last day for which he receives compensation, or within four months after the last day for which the member receives compensation, or while the member is physically or mentally incapacitated for the performance of his duties, and if such incapacity has been continuous from such last day to the date of death, a death benefit shall be paid to his estate or designated beneficiary, consisting of an amount equal to one-twelfth of the compensation earnable by him during the twelve months immediately preceding death multiplied by his completed years as a member of the System not to exceed six, plus his contributions and interest credited thereon. Upon the death of a member after

retirement and regardless of the cause of death, the sum of three hundred dollars shall be paid to his estate or designated beneficiary in the manner and subject to the conditions prescribed by the Council for the payment of a similar benefit upon the death of other retired members.

Election to withdraw contributions

Sec. 175.21. Should any member of the Fire or Police Department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his contributions, with interest credited thereon, shall be refunded to him subject to the conditions prescribed by the Council to cover similar terminations of employment and re-employment with and without re-deposits of withdrawn accumulated contributions, of other members of the retirement system, provided that if such a member is entitled to be credited with accumulated contributions which exceed Five Hundred Dollars ($500.00), he shall have the right to elect, without right of revocation and within 90 days after said termination of service, or if the termination was by layoff, 90 days after the retirement board determines the termination to be permanent, 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 at least 20 years of service. 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 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 benefits as may be payable under section 175.20 shall be computed upon the basis of his average annual compensation earnable for the year preceding the date of termination of such service, multiplied by the years of City service prior to such termination not to exceed six.

Computation of service time

Sec. 175.22. The following time shall be included in the computation of the service to be credited to the member for the purposes of determining whether such member qualifies for retirement, and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his service while he was a member under any other Charter section, and not redeposited upon reentry into service:

(1) Time during which said member is a member of the Retirement System, and during and for which said member is

entitled to receive compensation because of services as a member of the Fire or Police Department.

(2) Service in other offices and departments of the City, which is not requisite to membership under Section 175.13, shall be credited under this section upon a change in status of a member of such offices and departments entitling him to membership in the Retirement System under Section 175.13, provided that the accumulated normal contributions standing to the credit of such member, including amounts redeposited by him, shall be adjusted by refund to the member or by payment by the member to bring the amount to the amount which would have been credited to him had the member been a member of the Fire or Police Department throughout the period of his service in such other offices or departments at the compensation he received in such other offices and departments.

(3) Time during which said member is absent in military service from a status included in (1) or (2) next preceding, and for which said member is entitled to receive credit as service for the City by virtue of contributions made by or for him, as provided by the Council.

(4) Prior service determined and credited as prescribed by the Council for other members of the System.

Sec. 175.23. All payments provided hereunder for persons who are members under Section 175 13 shall be made from funds derived from the following sources, plus interest earned on said funds: Source of payments

(1) The normal rate of contribution of each member under section 175.13 shall be based on his age taken to the next lower completed quarter year, (a) at the date he became a member under section 175, in the case of persons who are members under this section, or (b) at the date he becomes a member under section 175.13 in the case of persons who become members on or after the effective date hereof, without credit for service counted under section 175.22 as rendered prior to the date upon which his age is based for determination of his rate of contribution according to the sentence next preceding, from said age. The normal rate of contribution of each such member, to be effective from the effective date of membership under section 175.13 shall be such as, on the average for such member, will provide, assuming service without interruption under section 175.15, one-half of that portion of the service retirement allowance to which he would be entitled, excluding automatic continuance to dependents, upon first qualifying as to service and age not less than 55 years, for retirement under that section, which is based on service rendered after the date upon which his age is based for determination of his rate of contribution according to the first sentence in this paragraph, and assuming the contribution to be made from that date, it being the intention that the retirement allowance of such member, upon retirement for service when qualified at age 55 or higher age, shall be, on the average, one-half of his compensation.

(2) There shall be deducted from each payment of compensation made to a member under this section, a sum determined by applying the member's rates of contribution to such compensation payment. The sum so deducted shall be paid forthwith to the Retirement System. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the Council for crediting interest to contributions of other members of the Retirement System, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member of his estate or beneficiary as provided in Sections 175.20 and 175.21. Subject to rules prescribed by the Board, any member may elect to make contributions in excess of his contributions herein required, for the purpose of providing additional benefits, and benefits provided hereunder for such member shall be exclusive of such additional benefits. The exercise of this privilege by a member does not require the City to make any contributions. Additional contributions shall be administered in the same manner as normal contributions.

(3) Contributions based on time included in paragraphs (1) and (3) of section 175.22, and deducted prior to the effective date thereof, from compensation of persons who become members under Section 175.13, and standing with interest thereon, to the credit of such members on the records of the Retirement System on said date, shall continue to be credited to the individual accounts of said members and shall be combined with and administered in the same manner as the contributions deducted after said date.

(4) The total contributions, with interest thereon, made by or charged against the City and standing to its credit, in the accounts of the Retirement System, on account of persons who become members under Section 175 13, shall be applied to provide the benefits hereunder for or on account of them.

(5) The City shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this section 175.23, to provide the benefits payable to or on account of persons who are members under Section 175.13 Such contributions of the City to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which his age is based for determination of his rate of contribution in paragraph (1) of Section 175.23, shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the City to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual installments and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year, to persons who are members under

section 175.13, said percentage to be the ratio of the value on the effective date hereof, or at the date of the last valuation prior to said date, or at the later date of a periodical actuarial valuation and investigation into the experience under the System as provided by the Council, of the benefits thereafter to be paid to or on account of persons who are members under Section 175.13, from contributions of the City, less the amount of such contributions, and plus accumulated interest thereon, then held by said System to provide said benefits on account of service rendered by respective members after the date stated in the sentence next preceding, to the value at said respective dates of salaries thereafter payable to said members Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed by the Board on the basis of said values determined in said periodical actuarial valuation and investigation into the experience under the System. Nothing in this paragraph, however, shall prevent the calculation and use under the System in the manner described for the percentage under this paragraph, of one percentage relating to all persons who are members under Section 175.1 and Section 175.13, and to be applied to the total compensation paid during the respective year to such persons, for the determination of the City's contribution to the Retirement System, with substantially the same effect as if separate percentages had been calculated under the respective sections. The percentage to be used under said two sections, shall be ten and forty-one hundredths per cent (10.41%) until redetermined by the Retirement Board on the basis of the periodical investigation and actuarial valuation under the System, and the contributions resulting from its use shall be applied to provide part of the benefits under both of said sections, without segregation according to section.

(6) To promote the stability of the Retirement System through a joint participation in the result of variations in the experience under mortality, investment and other contingencies the contributions of both members and the City held by the System to provide the benefits for or on account of persons who are members under Section 175.13, shall be a part of the fund in which all other assets of said System are included. Nothing in this section shall affect the obligations of the City to pay to the Retirement System any amounts which may or shall become due under the provisions of the Charter prior to the effective date hereof, and which are represented on said effective date, in the accounts of said System by debits against the City.

Right to retire

Sec. 175 24. Upon the completion of the years of service set forth in Section 175 15 as requisite to retirement, a member shall be entitled to retire at any time thereafter in accordance with the provisions of said section 175 15, and nothing shall deprive said member of said right.

Employment after retirement

Sec. 175.25. No person retired for service under section 175.15 or for disability under section 175.16 and entitled to receive a retirement allowance under the Retirement System shall serve in any elective or appointive position in the City service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the City after retirement, provided that service as an election officer or juror shall not be affected by this section. Should any such person retired for disability engage in a gainful occupation prior to attaining the age of fifty-five years, the Retirement Board shall reduce that part of his monthly retirement allowance which is provided by contributions of the City, to an amount which, when added to the amount earned monthly by him in such occupation, shall not exceed the amount of the maximum compensation earnable by a person holding the position which he held at the time of his retirement, or, if that position has been abolished, the compensation earnable by the member holding it immediately prior to its abolition.

Construction

Sec. 175.26. Any section or part of any section in this Charter, insofar as it should conflict with these sections 175.13, 175.14, 175.15, 175.16, 175.17, 175.18, 175.19, 175.20, 175.21, 175.22, 175.23, 175.24, 175.25 or 175.26, or with any part thereof, shall be superseded by the contents of said sections. In the event that any word, phrase, clause or section of these sections shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

Constitutionality

That each of said proposed amendments were, on the 22nd day of September 1952, published and advertised in accordance with the provisions of Section Eight, Article Eleven of the Constitution of the State of California in the "Sacramento Union", a daily newspaper of general circulation published in the said City of Sacramento and is the official newspaper of said City of Sacramento;

That copies of said proposed amendments were printed in convenient pamphlet form and in type of not less than ten point and copies thereof were mailed to each of the Qualified Electors of said City of Sacramento; that, until the date fixed for the election hereinafter described, an advertisement was published in said "Sacramento Union" that such copies could be had upon application therefor at the office of the City Clerk of said City of Sacramento;

That such copies could be had upon application therefor at the office of the said City Clerk until the date fixed for the election hereinafter described;

That, in accordance with the provisions of the Charter of said City of Sacramento and a resolution of the legislative body thereof, there was duly held in the said City of Sacramento, on the 4th day of November 1952, a Special Municipal Election consolidated with General Election and that the said proposed charter amendments, and each of them, were duly and regularly

submitted to the Qualified Electors of said City for their ratification at said election and that at the said election the majority of the Qualified Electors voting thereon voted in favor of the ratification of and did ratify Proposal No. F, and Proposal No. G respectively of the said proposed amendments to the Charter of said City hereinabove set out;

That the results of said election were duly and regularly canvassed and certified to and it was duly found and determined and declared by the proper officers of said County and City respectively that a majority of the Qualified Electors of said City voting thereon had voted in favor of Proposals No. F, and No. G, respectively, and had thereby ratified said proposed amendments.

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true, and correct copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Sacramento to be affixed hereto this 29th day of December 1952.

(SEAL)
LESLIE E. WOOD
Mayor of the City of Sacramento
H. G. DENTON
Clerk of the City of Sacramento

Subscribed and sworn to before me this 29th day of December 1952.

(SEAL)
EVERETT M. GLENN
Notary Public in and for the County of Sacramento, State of California.
My Commission expires Sept. 26, 1956.

WHEREAS, The said proposed amendments so ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration, in accordance with Section 8, Article XI of the Constitution of the State of California;

Approval

Now, therefore, be it resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Sacramento, as proposed to and adopted and ratified by the electors of said city and as hereinbefore fully set forth, be and the same are hereby approved, as a whole, without amendment or alteration for and as amendments to and as a part of the charter of the City of Sacramento.

CHAPTER 4

Assembly Concurrent Resolution No. 10—Relative to the approval of the charter of the City of Santa Ana, a municipal corporation, in the County of Orange, State of California, as voted for and ratified by the electors of the City of Santa Ana, at an election held therein on the fourth day of November, 1952.

[Filed with Secretary of State January 9, 1953]

City of Santa Ana Adoption of charter

WHEREAS, The City of Santa Ana is now and at all times herein mentioned was a municipal corporation duly authorized and existing under the general laws of the State of California as a city of the fifth class; and

WHEREAS, Proceedings have been duly had in and taken by the said City of Santa Ana for the preparation, proposal, adoption, and ratification of a charter for the government of said City of Santa Ana, all as set forth in the following certificate of the mayor of said city and the City Clerk of said City of Santa Ana, to wit:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN BY THE CITY OF SANTA ANA IN FRAMING A CHARTER FOR ITS OWN GOVERNMENT

STATE OF CALIFORNIA
COUNTY OF ORANGE } ss
CITY OF SANTA ANA

Certificate

We, the undersigned, Courtney R. Chandler, Mayor of the City of Santa Ana, County of Orange, State of California and Erma Keeler, City Clerk of said City and ex-officio Clerk of the City Council of said City, do hereby certify and declare as follows:

That the undersigned Courtney R. Chandler was at all times herein mentioned, the Mayor of said City and that the undersigned Erma Keeler was at all times herein mentioned, the Clerk of the Legislative Body and City Clerk of said City of Santa Ana; that prior to August 19th, 1952 the City Council of said City of Santa Ana did cause to be framed, a proposed charter for its own government and on the 19th day of August, 1952 at a regular meeting of said City Council, said City Council by unanimous vote of those members present, four being present and one being absent, adopted a Resolution calling a special election to be held in the City of Santa Ana on the 4th day of November, 1952 for the purpose of submitting to the electors of said City, the proposition of the adoption of said City charter; requesting and authorizing the Board of Supervisors of the County of Orange to consolidate said special election with the general statewide elections to be held November 4, 1952, authorizing said Board of Supervisors to form the precincts, fix the polling places, appoint the precinct boards and canvass

the returns of said special election and ordering the City Clerk to cause said proposed charter to be published and placed on the ballot and to do all other things necessary for said special election.

That said charter was regularly published within fifteen days after it was filed with the City Clerk once in the official newspaper in said City and each edition thereof during the day of publication; that on August 26th, 1952 at a regular meeting, the Board of Supervisors unanimously adopted a Resolution ordering consolidation of said special election with the statewide general election to be held November 4th, 1952; that on September 20th, 1952 notice of said election was regularly published in the Santa Ana Register, the official newspaper of said City and in all editions thereof, giving notice of the proposition to be voted on, the time of the election, a brief statement of the contents of the charter, the voting precincts, the hours during which the poles would be open, and all other matters required therein; that said publications were made not more than sixty days before nor less than forty days before said election.

That notice of measures to be voted on was regularly published in said Santa Ana Register on October 25th, 1952 and again on November 1st, 1952 which said notice contained a synopsis of the provisions of said charter, the effect it would have on the government of said City, and the date of said election.

That the population of the City of Santa Ana as ascertained by the last preceding census taken under the authority of Congress of the United States prior to November 4, 1952 showed that the said City of Santa Ana had a population of less than 50,000; that on November 24th, 1952, by Resolution regularly adopted by the unanimous vote of the Board of Supervisors of Orange County, said Board regularly declared the results of said special election to be that a majority of the people voting thereon voted yes on the proposition "Shall the Proposed Charter of the City of Santa Ana be Adopted", 12,218 voting yes and 7,486 voting no; that a majority of all votes cast on said proposition were in favor of the City of Santa Ana adopting said proposed charter.

That said election was in all respects called, consolidated with said general election, and held in accordance with the election laws of the State related to Cities of the Fifth Class; that said proposed charter was framed by said City Council, adopted, filed, published, presented to the voters of the City of Santa Ana, and adopted by said voters in strict accordance with and in compliance with, all of the requirements of the Constitution and the statutes of the State of California

That said charter so prepared, proposed, submitted, ratified, and adopted as herein set forth, was and is in words and figures as follows:

CHARTER OF THE CITY OF SANTA ANA

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CHARTER OF THE CITY OF SANTA ANA

We, the people of the City of Santa Ana, State of California, do ordain and establish this Charter as the organic law of the City of Santa Ana under the Constitution of the State of California.

Article I

Incorporation and Succession

Section 100. Name of City. The City of Santa Ana shall continue to be a municipal body politic and corporate and shall be possessed of all of the property and interest of which it was possessed at the time this Charter takes effect. **Name**

Section 101. Boundaries. The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, with the power and authority to change the same being as provided by law. **Boundaries**

Section 102. First Fiscal Year. The first fiscal year shall begin on the first day the provisions of this Charter become effective and shall end on the last day of the following June, and the succeeding fiscal years shall end respectively on the last day of June in each succeeding year. **Fiscal years**

Section 103. Rights of Officers and Employees Preserved. Nothing in this Charter contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the City in relation to personnel, appointment, **Transition from non-charter to charter city**

ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights, or any other rights or privileges of officers or employees of the City or any office, department, or agency thereof.

Section 104. Continuance of Present Officers and Employees. All officers and employees of the City at the time this Charter takes effect shall continue in the performance of their duties until provision shall have been made in accordance with this Charter for the performance or discontinuance of such duties.

Section 105. Transfer of Records and Property. All records, property, and equipment of any office, department, or agency, or part thereof, all of the powers and duties of which are assigned to any other office, department, or agency by this Charter, shall be transferred and delivered to the office, department, or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department, or agency, or part thereof is by this Charter assigned to another office, department, or agency, all records, property, and equipment relating exclusively thereto shall be transferred and delivered to the office, department, or agency to which such powers and duties are so assigned.

Section 106. Rights and Liabilities. The City of Santa Ana, as successor in interest of the municipal corporation of the same name, shall own, possess, control, and in every way succeed to and become the owner of all rights and of all property of every kind and nature owned, possessed, or controlled at the time this Charter takes effect, and shall be subject to all the debts, obligations, and liabilities then existing of this municipal corporation.

Section 107. Ordinances Continued in Effect. All ordinances and resolutions and all rules, regulations, and orders legally made by any office, department, agency, or officer of the City, in force at the effective date of this Charter, and not inconsistent herewith, shall remain in force until amended, repealed, or superseded as provided herein.

Section 108. Continuance of Contracts and Public Improvements. All contracts entered into by the City, or for its benefit, prior to the taking of effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of existing laws or may be continued or perfected under this Charter.

Section 109. Pending Actions and Proceedings. No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the City or any office, department, agency, or officer thereof, shall be affected or abated by the adoption of this Charter or by anything it contains; but all such actions or proceedings may be continued notwithstanding that functions, powers, and duties of any office, department, agency, or officer party thereto may by or under this Charter be assigned or transferred to another office, de-

partment, agency, or officer, but in that event the same may be prosecuted or defended by the head of the office, department, or agency to which such functions, powers, and duties have been assigned or transferred by or under this Charter.

Section 110. Effective Date of Charter. For the purpose of nominating and electing members of the City Council and the Board of Education, the provisions of this Charter shall become effective from the date of its approval by the Legislature of the State of California. For all other purposes this Charter shall be in effect on the first Tuesday next following the first election of members of the City Council thereunder, at eight (8:00) o'clock P.M. Operative dates

Article II

Powers of the City

Section 200. Powers of the City. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers, privileges heretofore or hereafter established, granted, or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California. The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, this general grant of power. Powers

The City shall have the power to act pursuant to procedure established by any law of the State, unless a different procedure is established by ordinance.

Article III

Form of Government

Section 300. Form of Government. The municipal government established by this Charter shall be known as the "Council-Manager" form of government. Form of government

Article IV

City Council

Section 400 City Council: Number, Selection, and Terms of Members. The City Council shall consist of five members elected from the City at large at the times and in the manner provided in this Charter for a term of four years. The term of each member shall begin the first Tuesday following such election and each shall serve, except as otherwise provided for in this Charter, until his successor is elected and qualified. If, at any municipal election for members of the City Council, there City council Membership

shall be no choice between candidates by reason of two or more candidates having received an equal number of votes, then the City Council shall proceed to determine the election of such candidates by lot.

At the first election under this Charter as provided in Article XII the three members elected to the City Council receiving the highest number of votes shall hold office until the second Tuesday of April, 1957, and the two members receiving the lowest number of votes shall hold office until the second Tuesday of April, 1955.

Section 401. City Council: Qualifications of Members. Each member of the City Council shall be a qualified elector of the City and shall have resided in said City for at least two years next preceding the date of his election or appointment. If a member of the City Council shall cease to be a qualified elector of the City or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant and be so declared by the City Council.

Compensation

Section 402. City Council: Compensation of Members. Each member of the City Council shall receive as compensation for his services as such a monthly salary in the sum of Seventy-five Dollars ($75.00). Further, each member of the City Council shall receive reimbursement for required travel and other expenses while on official business outside the City as authorized and approved by the City Council.

Absence of a member of the City Council from all regular and special meetings of the City Council during any calendar month shall render him ineligible to receive the monthly salary for such a calendar month unless by permission of the City Council expressed in its official minutes.

Section 403. City Council: Vacancies. In the event of a vacancy in the City Council, for whatever cause, the City Council shall declare the office vacant and fill the same by appointment. In each case the person so appointed shall hold office until the first Tuesday following the next general municipal election and until his successor is elected and qualified for the remainder of an unexpired term. If the City Council shall fail to fill a vacancy by appointment within thirty days after such an office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

If a member of the City Council absents himself from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, or if a member is convicted of a crime involving moral turpitude or shall cease to be a qualified elector of the City, his office shall become vacant and shall be so declared by the City Council.

Presiding officer

Section 404. Presiding Officer. Mayor. In the first meeting of the City Council following any general or special election at which members of the City Council are elected, the City Council shall elect one of its members as presiding officer who shall

have the title of Mayor. The Mayor shall have voice and vote in all of the City Council's proceedings and shall be recognized as head of the City government for all ceremonial purposes. The Mayor shall have no administrative duties but shall perform such other duties as may be prescribed by this Charter, or imposed by the City Council, consistent with his office. The Mayor shall serve in his capacity as Mayor at the pleasure of the City Council.

Section 405. City Council: Acting Mayor. Vice Mayor. In the first meeting of the City Council following any general or special election at which members of the City Council are elected, the City Council shall elect a Vice Mayor who shall act as Mayor during the absence from the City or disability of the Mayor.

Section 406. City Council: Judge of Elections and Qualifications of Members. The City Council shall be the judge of the election and qualifications of its members as defined in Section 401 of this Article and shall meet on the first Tuesday after any municipal election at which members of the City Council are elected, duly canvass the returns and declare the results thereof, and install elected members, if any.

Section 407. City Council: Powers and Duties. All powers of the City and the determination of all matters of policy shall be vested in the City Council, subject to the provisions of this Charter and to the Constitution of the State of California. **Powers and duties**

Section 408. City Council: Interference in Administrative Matters. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative branch of the City government solely through the City Manager or his designated deputy, and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Neither the City Council nor any of its members shall direct or request the appointment of any person to, or his removal from, an office by the City Manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative branch of the City government, except as specifically provided in this Charter.

Section 409. City Council: Meetings. The City Council shall meet regularly and in special session at such times and in the manner as shall be prescribed by ordinance and subject to the provisions of this Charter. The City Council shall hold regular meetings at least two times each month and may adjourn or readjourn any regular meeting to a certain date which shall be specified in the order of adjournment and, when so adjourned, each adjourned meeting shall be a regular meeting for all purposes. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. **Meetings**

Special meetings may be called at any time by the Mayor, or by three members of the City Council, by written notice delivered personally to each member of the City Council at least six hours before the time specified for the proposed meeting.

If all members of the City Council shall give their consent, in writing, to the holding of a special meeting and such consent is on file with the Clerk of the Council at the time of the holding of such a special meeting, a special meeting shall also be validly called. A telegraphic communication from a member consenting to the holding of such a meeting shall be considered a consent in writing. Only such matters may be acted upon at any special meeting as are referred to in such written notice or consent.

All regular and special meetings of the City Council shall be held in the Council Chambers of the City Hall and shall be open to the public. The City Council may adjourn to another location within the City Hall as publicly announced. If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place designated by the Mayor or, if he should fail to act, by three members of the City Council.

Section 410. City Council: Quorum. Three members of the City Council shall constitute a quorum to do business but a less number may adjourn from time to time. In the absence of all of the members of the City Council from any regular meeting, the Clerk of the Council may declare the same adjourned to a stated day and hour. Notice of such adjourned meeting shall be given or may be waived in the same manner as specified in this Charter for giving or waiving of notice of special meetings of the City Council.

Procedure

Section 411. City Council: Rules and Procedures. The City Council shall establish rules for the conduct of its proceedings and to preserve order at its meetings. It shall, through the Clerk of the Council, maintain a record of its proceedings which shall be open to public inspection.

The City Council shall organize standing committees of its members for the principal functions of the government of the City. It shall be the duty of each such committee to be informed of the business of the City government included within the assigned functions of the committee, and, as ordered by the City Council, to report to the City Council information or recommendations which shall enable the City Council properly to legislate.

Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and the authority on any investigation or proceeding pending before it to impel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the Clerk of the Council. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds) shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

Section 412. City Council: Citizen Participation. No citizen shall be denied the right personally, or through counsel, to

present grievances at any meeting of the City Council, or to offer suggestions for the betterment of City affairs.

Section 413. Ordinances and Resolutions: Adoption. Every ordinance shall be introduced in writing in the form in which it is to be finally passed. The correction of typographical or clerical errors after introduction shall not be included in the meaning of the foregoing sentence. No ordinance shall be passed finally on the day it is introduced, except for emergency ordinances as hereinafter defined, nor within six days thereafter, nor at any time other than at a regular or adjourned meetings. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting, held not less than six days after the date upon which such ordinance was so altered. At the time of adoption of an ordinance or resolution, it shall be read in full, unless, after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the members of the City Council present. The rights and powers conferred on the City Council shall be exercised by ordinance when so provided by this Charter or by law. Each act of the City Council establishing a fine or other penalty or granting a franchise shall be by ordinance. Legislation

Adoption of any ordinance or resolution shall require at least three affirmative votes unless a higher vote is required by other provisions of this Charter. No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

All ordinances and resolutions shall be signed by the Mayor and attested by the Clerk of the Council.

Section 414. Ordinances: Enactment. The enacting clause of all ordinances shall be substantially as follows: "The City Council of the City of Santa Ana does ordain as follows:"

Section 415. Ordinances: Emergency. Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least four affirmative votes.

Section 416. Ordinances: Publication. The Clerk of the Council shall cause each ordinance to be published at least once in the official newspaper within fifteen days after final adoption.

Section 417. Ordinances: When Effective. No ordinance finally adopted under the provisions of this Charter shall become effective until thirty days from and after the date of its final adoption except:

(a) An ordinance calling or otherwise relating to an election;

(b) An improvement proceeding ordinance adopted under some law or procedural ordinance;

(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property;

(d) An emergency ordinance adopted in the manner provided for in this Charter.

All ordinances of any of the classes heretofore excepted by this section shall take effect upon the date of publication or posting.

Section 418. Ordinances: Amendment. The amendment of any section or sections of an ordinance may be accomplished solely by the re-enactment of such section or sections at length, as amended.

Section 419. Ordinances: Codification. Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption and which have not been repealed, may be compiled, consolidated, revised, indexed, and arranged in a comprehensive ordinance code, and such code may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination in the office of the Clerk of the Council prior to the adoption thereof; and, in lieu of the publication of the ordinance, there shall be published a notice in the official newspaper describing the ordinance in brief and in general terms and stating that the code is available for public inspection at the office of the Clerk of the Council, together with the time and place when and where it will be considered for final passage. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Detailed regulations pertaining to any subject such as the construction of buildings, plumbing, wiring, or other subjects which require extensive regulations, after having been arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section.

Section 420. Ordinances: Violation and Penalty. The City Council may make the violation of its ordinances a misdemeanor which may be prosecuted in the name of the People of the State of California or may be redressed by Civil Action and may prescribe punishment for such violation by fine not to exceed Five Hundred Dollars ($500.00), or by imprisonment not to exceed six months, or by both such fine and imprisonment.

Contracts

Section 421. Contracts. The City shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing by order of the City Council and signed by some officer in behalf of the City who has been authorized to do so by the City Council. The approval of the form of all contracts shall be endorsed thereon by the City Attorney.

The City Council may authorize, by vote of three of its members, any officer of the City to bind the City on contracts in writing without advertising and without previous approval by the City Council of each specific item for the payment of charges for supplies, labor, or other valuable consideration furnished the City, in amounts not exceeding Two Hundred Dollars

($200.00) in any one contract. Further, the City Council may authorize, by vote of three of its members, the City Manager to bind the City on contracts in writing without advertising and without previous approval by the City Council of each specific item for the payment of charges for supplies, labor, or other valuable consideration to be furnished the City, in amounts not exceeding Two Thousand Dollars ($2,000.00) in any one contract.

Every contract involving an expenditure of more than Two Thousand Dollars ($2,000.00) for materials, supplies, or equipment, or for public works construction (as hereinafter defined) shall be made by the City Council with the lowest and best bidder after the publication for at least two days in the official newspaper of a notice calling for bids and fixing a period during which such bids will be received, which shall be for not less than ten days after the first publication of said notice. The City Council may reject any and all such bids presented and may re-advertise in its discretion. After rejecting such bids, or if no bids are received, the City Council may determine and declare that, in its opinion based on estimates submitted by the City Manager, the work may be performed better or more economically by the City with its own employees, and after the adoption of a resolution to this effect by at least four affirmative votes of the City Council may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health, or property, and shall be authorized by motion passed by at least four affirmative votes of the City Council and containing a declaration of the facts constituting such urgency.

For purposes of this Section, public works construction shall be defined as a project for the erection or improvement of public buildings, streets, drains, sewers, parks, or playgrounds. Maintenance and repair of public buildings, streets, drains, sewers, parks, or playgrounds shall not be considered as public works construction.

The City Manager shall recommend and the City Council shall consider and adopt by ordinance rules and regulations governing the contracting and purchasing of all services, supplies, material, and equipment required by any office, department, agency, officer, or employee of the City government.

Section 422. Competitive Bidding. Subject to the provisions of this Charter and rules and regulations prescribed by the City Council by ordinance, ample opportunity shall be given for competitive bidding before making purchases of, or contracts for, supplies, materials, or equipment.

Section 423. Independent Audit. Prior to the beginning of each fiscal year the City Council shall designate a qualified certified public accountant who shall make an independent audit of the accounts and other evidences of financial transactions of the City government during the ensuing fiscal year and

Annual audit

shall submit his report to the City Council and the City Manager at the end of such fiscal year. Three copies of his report shall be placed in the office of the Clerk of the Council where the copies of the report shall be made available for inspection by the general public. Such certified public accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or of any of the officers of the City.

Section 424. Publication of Legal Notices. All ordinances finally adopted under the provisions of this Charter shall be published in the English language by at least one insertion in the official newspaper as hereinafter defined. In the event there is no official newspaper of general circulation published and circulated in the City, such ordinances and other legal notices pertaining to City affairs may be published by posting for at least ten days in at least three public places in the City within fifteen days after final adoption of the ordinances. No ordinance shall be valid or take effect without publication or posting, but no defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication or posting where the same is otherwise in conformity with this Charter or law or ordinance.

In the event there is more than one newspaper of general circulation published in the City, the City Council, annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contracts for the publication of all legal notices or other matter required to be published, in a newspaper of general circulation published and circulated in said City during the ensuing fiscal year. In the event there is only one newspaper of general circulation published in the City, then the City Council shall have the power to contract for the ensuing fiscal year with such newspaper for the printing and publishing of such legal notices without being required to advertise for bids therefor. The newspaper with which the City Council makes a contract for the ensuing fiscal year shall be designated as the official newspaper for the publication of ordinances and other legal notices and matters.

Article V

City Manager

City Manager

Section 500. City Manager: Appointment, Removal, and Qualifications. The City Council shall appoint a City Manager who by virtue of his position as City Manager shall be an officer of the City and who shall have the powers and shall perform the duties in this Charter provided. No member of the City Council shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term.

Appointment

The City Council shall appoint the City Manager for an indefinite term and may remove him by motion adopted by at least four affirmative votes. At least thirty days before such

removal shall become effective, the City Council shall by resolution adopted by at least four affirmative votes state the reasons for the removal of the City Manager The City Manager may reply in writing and any member of the City Council may request a public hearing, which, if requested, shall be held not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the City Council may remove the City Manager by motion adopted by at least four affirmative votes. The resolution stating the reasons for the removal of the City Manager may provide for the suspension of the City Manager from duty, but shall in any case cause to be paid him forthwith any unpaid balance of his salary and his salary for the next calendar month following the date of adoption of the resolution.

The City Manager shall be chosen on the basis of his executive and administrative qualifications. He shall be paid a salary commensurate with his responsibilities as chief administrative officer of the city.

Powers and duties

Section 501. City Manager: Powers and Duties. The City Manager shall be the chief administrative officer and the head of the administrative branch of the City government. He shall be responsible to and under the direction of the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities, and duties, the City Manager shall have power and be required to:

(a) Subject to the civil service provisions of this Charter, appoint and remove all department heads and officers of the City except those officers the power of appointment of whom is vested in the City Council and as otherwise provided in this Charter, and pass upon and approve all proposed appointments and removals of subordinate employees by all officers and heads of offices, agencies, and departments;

(b) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption;

(c) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as to these matters as may seem to him desirable;

(e) Keep himself informed of the activities of the several agencies, offices, and departments of the City and see to the proper administration of their affairs and the efficient conduct of their business;

(f) Be vigilant and active in causing all provisions of the law to be executed and enforced;

(g) Perform all such duties as may be prescribed by this Charter or required of him by the City Council, not inconsistent with this Charter;

(h) Submit a monthly report to the City Council covering significant activities of the City agencies, offices, and departments under his supervision and any significant changes in administrative rules and procedures promulgated by him;

(i) Submit special reports in writing to the City Council in answer to any requests for information filed with him by a member of the City Council.

Section 502. City Manager: Council Table. The City Manager shall be accorded a seat at the City Council table and shall be entitled to participate in the deliberations of the City Council, but shall not have a vote. He shall attend all regular and special meetings of the City Council unless physically unable to do so or unless his absence has received prior approval by a majority of the Council.

Section 503. City Manager: Absence, Disability. To perform his duties during his temporary absence or disability, the City Manager may designate by letter filed with the Clerk of the Council one of the other officers or department heads of the City to serve as Acting City Manager during such temporary absence or disability. Such designation shall be subject to change thereof by the City Council. In the event of failure of the City Manager to make such designation, the City Council may by resolution appoint an officer or department head of the City to perform the duties of the City Manager until he shall be prepared to resume the duties of office.

Article VI

Revenue and Taxation

Fiscal affairs: Taxes

Section 600. Tax System. For the purpose of ad valorem municipal taxation, the county system of assessment and tax collection as such system is now in effect or may hereafter be amended, and insofar as such provisions are not in conflict with this Charter, shall continue to be used unless otherwise provided by ordinance.

Section 601. Tax Limits. Exclusive of special levies permitted by this Charter, the City Council shall not levy for municipal purposes a property tax in excess of One and One-Fourth Dollars ($1.25) on each One Hundred Dollars ($100.00) of the assessed value of taxable property in the City, unless authorized by the affirmative votes of two-thirds of the electors voting on the proposition at any election at which the question of such increased levy for municipal purposes is submitted to the electors. The number of years in which such increased levy is to be made shall be specified in such proposition.

There shall be levied and collected, as additional taxes, at the time and in the same manner as other property taxes for municipal purposes are levied and collected:

(a) A tax sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year, if no other provision for the payment thereof is made;

(b) A tax sufficient to meet all obligations of the City to the State Employees' Retirement System, or other system for the retirement of City employees, due and unpaid or to become due during the ensuing fiscal year, if no other provision for the payment thereof is made.

Special levies, in addition to the above but not to exceed a total of Thirty Cents (30c) on each One Hundred Dollars ($100.00) of the assessed value of taxable property in the City, may be made annually by the City Council, based on budget requirements approved by the City Council for the following specific purposes: libraries and recreation and parks. Additional special levies for purposes of library and park and recreation activities over and above the Thirty Cents (30c) limitation contained in this paragraph may be authorized by the affirmative votes of two-thirds of the electors voting on the proposition at any election at which the question of such increased special levy is submitted to the electors. The number of years in which such increased levy is to be made shall be specified in such proposition. The proceeds of any such special levy shall be used for no other purpose than those specified in the proposition submitted to the electors.

Section 602. Bonded Debt Limits. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed ten percent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City. Bonded indebtedness

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the Constitution of the State of California and this Charter.

Bonds, which are payable solely and exclusively out of the revenues of the revenue-producing utilities owned, controlled, or operated by the City, may be issued when the City Council, by ordinance, shall have authorized a proposition therefor, only with the assent of the majority of the voters, voting upon such proposition, at an election at which such proposition shall have been duly submitted to the qualified electors of the City. Such revenue bonds shall be excluded from the debt limit hereinbefore established and shall not constitute an indebtedness of the City.

Such proposition shall specify (a) the property to be acquired and/or the improvements or additions to be made to the equipment for such revenue-producing utility, or utilities, and the estimate of the cost thereof, (b) the maximum amount of bonds to be issued for such purposes, (c) the regulations and procedures for the sale and issuance of the bonds, and (d) the pro-

vision to be made from the revenue of the utilities for the payment of interest on, and retirement of, the bonds.

Fiscal year

Section 603. Fiscal Year. The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June the following year.

Budget

Section 604. Budget: Preparation by the City Manager. At such time as the City Manager may prescribe, but not later than sixty days prior to the beginning of each fiscal year, each head of any office, agency, or department of the City government shall submit, through the Director of Finance, to the City Manager on forms and in the manner prescribed by the City Manager a detailed financial plan for the proper conduct of the office, agency, or department under his control. With this financial plan shall be submitted such summaries, schedules, and supporting data as may be prescribed by the City Manager. In preparing the proposed City budget, the City Manager shall review the financial plans submitted, hold conferences thereon with the office, agency, and department heads, respectively, and revise such plans as he may deem advisable.

Section 605. Budget: Submission to the City Council. On or before the fifteenth day of May of each year the City Manager shall recommend and submit to the City Council a proposed budget for the next ensuing fiscal year and a proposed appropriation ordinance as prepared by him.

Section 606. Budget: Public Hearing. Upon receipt of the proposed budget from the City Manager, the City Council shall proceed to the consideration of the proposed budget and, by the affirmative vote of at least three of its members, may increase, decrease, or omit any item or insert new items therein. Before adopting the budget the City Council shall fix the time and place for holding a public hearing upon the proposed budget and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper. Copies of the proposed budget shall be available for inspection by the public in the office of the Clerk of the Council at least ten days prior to said hearing. At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Section 607. Budget: Further Consideration and Adoption. After the conclusion of the public hearing, the City Council may further consider the proposed budget and make any revisions thereof that it may deem advisable. On or before June 30 the City Council shall adopt the budget with revisions, if any, by the affirmative votes of at least three of its members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year.

The budget adopted by the City Council shall provide for the support of public recreation programs at least the equivalent of Six Cents (6c) on each One Hundred Dollars ($100.00) of the

assessed value of taxable property in the City on the legal assessment date for the previous fiscal year.

A copy of the adopted budget, certified to by the Clerk of the Council, shall be filed with the Director of Finance and a further copy shall be placed, and shall remain on file, in the office of the Clerk of the Council where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of all officers, offices, departments, and other agencies of the City and for the use of civic organizations.

Section 608. Budget: Amount to Be Raised by Property Tax and Certification to the County. The City Council shall determine the amount of money required to be raised by ad valorem municipal taxation and shall fix the ad valorem municipal tax rate and certify the same to the county authorities if the county system of ad valorem assessment and tax collection is used by the City.

If the City Council fails to fix the rate and levy taxes on or before August 31, in any year, the rate for the next preceding fiscal year shall thereupon be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year.

Section 609. Budget Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several offices, agencies, and departments for the respective objects and purposes therein specified as stated in an appropriation ordinance All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least four members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget; except that the City Council shall not reduce that portion of the budget providing for the support of public recreation programs below the amount specified in Section 607 of this Article.

Funds: General

Section 610. Funds: General Fund. All money paid into the City treasury shall be credited to and kept in separate funds in accordance with the provisions of this Charter, state law, or ordinance. For the purpose of this Charter, the "General Fund" is established as a medium of control and accounting for City activities other than activities authorized or contemplated by special funds. All revenues and receipts which are not by this Charter, state law, or ordinance pledged for special purposes shall be credited to the General Fund.

Stabilization

The City Council shall maintain a revolving fund to be known as the "Stabilization Fund", for the purpose of placing the payment of running expenses of the City during the fiscal year on a cash basis. A reserve shall be built up in this fund from any available sources in an amount which the City Council deems

sufficient with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made by the City Council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such funds, as nearly as possible on a cash basis. All moneys so transferred from the Stabilization Fund shall be returned thereto before the end of the fiscal year.

Capital Improvement

Section 611. Funds: Capital Improvement Funds. A fund for capital improvements generally is hereby created, to be known as the "Capital Improvement Fund". The City Council may create by ordinance a special fund or funds for a special capital improvement purpose. The City Council may levy and collect taxes for capital improvements and may include in the annual tax levy a levy for such purposes, in which event it must apportion and appropriate to any such fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of a majority of the electors voting on the proposition at any election at which such question is submitted The number of years in which such increased levy is to be made shall be specified in such proposition. The City Council may transfer, subject to the provisions of this Charter, to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purpose for which it was created, and if for a special capital improvement, then for such purpose only, unless the use of such fund for some other purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any capital improvement fund has been created has been accomplished, the City Council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital improvements generally, established by this Charter.

Working Capital Revolving

Section 612. Funds: Working Capital Revolving Funds. The City Council may provide, by ordinance, for the establishment and maintenance of working capital funds for budgeted activities which are largely of a service nature for offices, departments, or agencies of the City. Such funds shall be operated on a revolving fund basis.

Warrants

Section 613. Claims and Treasury Warrants. Any claim against the City shall be in writing and may be in the form of a bill, invoice, payroll, or formal demand. The Director of Finance, with approval of the City Manager, may prescribe the form, or forms, on which claims against the City shall be presented to him. Each such claim shall be presented to the Director of Finance, who shall examine and audit it. If the claim is correct in all respects, has not previously been paid nor certi-

fied for payment, is provided for by an appropriation for the purpose or object that gave rise to it, and if sufficient funds for the payment thereof remain unencumbered in such appropriation, and if the claim is otherwise legally due and payable, the Director of Finance shall so certify on the original form evidencing the claim and shall draw his warrant on the Treasury, and against the proper fund, for the payment thereof

All claims certified for payment by the Director of Finance, and warrants drawn by him for the payment thereof, shall be transmitted by him to the City Manager together with a list of such warrants payable from each fund, showing for each warrant the number, date, and amount of the warrant and the name of the payee. The City Manager may approve or disallow any of the claims so certified for payment Any person dissatisfied with the refusal of the Director of Finance and/or the City Manager to approve any claim, in whole or in part, may present such claim to the City Council. The City Council, after examination into the matter, may approve or disapprove the claim in whole or in part, and, if properly payable under an existing appropriation, may order the Director of Finance to draw his warrant on the Treasury in payment thereof. For any such claim for which no provision, by way of an appropriation, exists, but which is approved for payment by the City Council, appropriation by the City Council shall be made therefor before the Director of Finance is ordered to draw his warrant in payment thereof.

Warrants on the City Treasury which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from date of registration at such rate as shall be fixed by the City Council by resolution.

Money and damage claims

Section 614. Claims for Money or Damages. Except in those cases where a shorter time is otherwise provided by law, all claims for money or damages against the City must be presented to the Director of Finance within ninety days after the occurrence, event, or transaction from which the damages allegedly arose, and shall set forth in detail the name and address of the claimant, the time, date, place, and circumstances of the occurrence, and the extent of the injuries or damages received. All other claims or demands shall be presented to the Director of Finance within ninety days after the last item of the account or claim accrued. In all cases such claims shall be approved or rejected in writing and the date thereof given. Failure to act upon any claim or demand within sixty days from the day the same is filed with the Director of Finance shall be deemed a rejection thereof.

No suit shall be brought on any claim for money or damages against the City, or any officer or board thereof, until a demand for the same has been presented as herein provided and rejected in whole or in part.

Allotment system

Section 615. Allotments. For the purpose of exercising continuous budgeting and for exercising budgetary control

the City Council shall establish, by ordinance, an allotment system which shall entail the designation of how much of the budget appropriations may be spent during fixed periods of the year by the various offices, agencies, and departments of the City.

Article VII

Officers and Employees

Administrative organization

Section 700. City Administrative Organization. The City Council may provide by ordinance not inconsistent with this Charter, for the organization, conduct, and operation of the several offices, departments, and other agencies of the City as established by this Charter, for the creation of additional departments, divisions, offices, and agencies and for their alteration or abolition, for their assignment and reassignment to departments, and for the number, titles, qualifications, powers, duties, and compensation of all officers and employees.

The City Council by ordinance may assign additional functions or duties to offices, departments, or other agencies established by this Charter, but shall not discontinue or assign to any other office, department, or other agency any function or duty assigned by this Charter to a particular office, department, or agency. No office provided in this Charter, to be filled by appointment by the City Manager, shall be combined with an office provided in this Charter to be filled by appointment by the City Council.

Notwithstanding the foregoing, the City Council may transfer or consolidate functions of the City government to or with appropriate functions of the state or county government and, in case of any such transfer or consolidation, the provisions of this Charter providing for the functions of the City government so transferred or consolidated, shall be deemed suspended during the continuance of such transfer or consolidation, to the extent that such suspension is made necessary or convenient and is set forth in the ordinance establishing such transfer or consolidation. Any such transfer or consolidation may be repealed by ordinance.

Subject to the civil service provisions of this Charter, all officers and department heads of the City except the City Attorney and the Clerk of the Council, shall be appointed by the City Manager and shall serve at the pleasure of the City Manager.

Appointive officers

Section 701. Officers Appointed by the City Council. In addition to the City Manager, the City Council shall appoint the City Attorney who shall serve at the pleasure of the City Council and may be removed by motion of the City Council adopted by at least four affirmative votes. Subject to the civil service provisions of this Charter, the City Council shall appoint the Clerk of the Council who shall serve at its pleasure.

Section 702. Clerk of the Council: Powers and Duties. The Clerk of the Council shall have the power and be required to: Clerk of city council

(a) Receive all documents addressed to the City Council and present these documents to the City Council;

(b) Attend all meetings of the City Council and its committees and be responsible for the recording and maintaining of an accurate journal of Council proceedings and the recording of the ayes and noes in the final action upon the questions of granting franchises, making of contracts, approving of bills, disposing or leasing City property, the passage or reconsideration of any ordinance, or upon any other act that involves the payment of money or the incurring of debt by the City, and in all other cases upon the call of any member of the City Council;

(c) Maintain the journal of Council proceedings in books which shall bear appropriate titles and which shall be available for public inspection;

(d) Maintain separate books in which shall be recorded respectively all ordinance and resolutions, with the certificate of the Clerk of the Council annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter; and maintain all such books properly indexed and available for public inspection when not in actual use;

(e) Have charge of the repository for contracts, surety bonds, agreements, and other related documents of City business;

(f) Maintain custody of the City seal;

(g) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City, and issue certified copies of official City records;

(h) Conduct all City elections.

Section 703. City Attorney: Powers and Duties. To become eligible for the position of City Attorney the person appointed shall be an attorney-at-law duly licensed as such under the laws of the State of California. He shall devote such time to the duties of his office as may be specified in the ordinance or resolution fixing the compensation of such office. He shall have the power and be required to: City attorney

(a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices;

(b) Attend all meetings of the City Council and give his advice or opinion in writing whenever requested to do so by the City Council or by any of the officers and boards of the City;

(c) Prepare or approve all proposed ordinance or resolutions for the City, and amendments thereto;

(d) Prosecute on behalf of the people such criminal cases for violations of this Charter, of City ordinances, and of misdemeanor offenses arising upon violations of the laws of the State

as in his opinion, or that of the City Council, or of the City Manager, warrant his attention;

(e) Represent and appear for the City and any City officer or employee, or former City officer or employee, in any or all actions and proceedings in which the City or any such officer or employee, in or by reason of his official capacity, is concerned or is a party;

(f) Approve the form of all bonds given to, and all contracts made by, the City, endorsing his approval thereon in writing;

(g) On vacating the office, surrender to his successor all books, papers, files, and documents pertaining to the City's affairs

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein.

Director of Finance

Section 704. Director of Finance: Powers and Duties. To become eligible for the position of Director of Finance, the person appointed by the City Manager shall be qualified to administer and direct an integrated department of finance. The Director of Finance shall have power and be required to:

(a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager;

(b) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to insure that budget appropriations are not exceeded;

(c) Supervise a system of financial internal control including the auditing of all purchase orders before issuance, the auditing and approving before payment of all invoices, bills, payrolls, claims, demands, or other charges against the City, and, with the advice of the City Attorney, when necessary, determine the regularity, legality, and correctness of such charges;

(d) Settle claims, demands, or other charges, including the issuing of warrants therefor;

(e) Maintain general and cost accounting systems for the City government and each of its offices, departments, and other agencies; keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show the amount of appropriations, the amounts paid therefrom, the unpaid obligations against it, and the unencumbered balance; and require reports of the receipts and disbursements from each receiving and expending agency of the City government to be made daily or at such intervals as he may deem expedient;

(f) Submit to the City Council through the City Manager a monthly statement of all receipts and disbursements and other financial data in sufficient detail to show the exact financial condition of the City, and, as of the end of each fiscal year, submit a complete financial statement and report;

(g) Administer the license and business tax program of the City;

(h) Direct treasury administration for the City, including the receiving and collecting of revenues and receipts from whatever source; have custody of all public funds belonging to or

under the control of the City or any office, department, or other agency of the City government; and deposit all funds coming into his hands in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, by the City Manager, in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing, and securing of public funds;

(i) Direct a centralized purchasing and a property control system for the City government under rules and regulations to be prescribed by ordinance.

Section 705. Director of Public Works: Powers and Duties To become eligible for the position of Director of Public Works, the person appointed by the City Manager subject to the civil service provisions of this Charter shall be duly licensed as a registered civil engineer under the laws of the State of California and be qualified to administer and direct an integrated department of public works. The Director of Public Works shall have power and be required to: Director of Public Works

(a) Have charge of the administration of the public works affairs of the City under the direction of the City Manager;

(b) Have the powers and perform the duties, in person or by deputy, imposed by law upon the Street Superintendent and the City Engineer;

(c) Direct all of the engineering work of the City, whether it is performed by the forces of the City or by outside contractors, in making the necessary preliminary, construction, and general surveys and in preparing designs, plans, estimates, and specifications for public works improvements and betterments; keep the engineering records of the City; and perform the engineering work requested by other departments of the City;

(d) Conduct research in public works methods, procedures, practices, and equipment, and develop better and more efficient means of conducting the work of the department;

(e) Supervise the public works improvements and betterments of the City; whether such construction work is done by contractors or by the forces of the City, except for certain specialized kinds of construction work that can, as designated by the City Manager, be better handled by other City departments;

(f) Supervise the operation and maintenance of the water supply and distribution systems of the City, and generally manage the water utility operations;

(g) Operate and maintain the sanitary and storm water sewer systems of the City;

(h) Supervise the collection and disposition of all garbage and trash approved for municipal collection, whether such collection or disposition is done by contractors or by City forces, and the cleaning of the streets of the City;

(i) Supervise the maintenance of the streets of the City including the pavement, sidewalks, and curbs; the operation and maintenance of the ornamental light system; the operation and maintenance of the overhead street lighting system; and the

cleaning of weeds from private lots as may be specified by ordinance;

(j) Control the excavation in City streets, the encroachment in the streets, the movement of oversize loads over City streets, and the construction or maintenance by utility companies, other City departments, or private citizens of structures or improvements in the streets;

(k) Recommend to the City Council through the City Manager as to (1) the amount of bond required to be given by public works contractors; (2) the approval or disapproval of such bonds prior to or at the time of executing contracts for such work or improvement; (3) the time when such work or improvement shall commence; (4) the time within which the same shall be completed; and (5) the extensions of time for completion thereof by the contractor therefor (when such times are not specified by ordinance).

(*l*) Exercise all powers and duties that are now or may hereafter be imposed by law to estimate or determine the benefits, damages, and costs incident to a proposed change of grade of, or any improvement of, any public street.

Director of Recreation and Parks

Section 706. Director of Recreation and Parks: Powers and Duties. To become eligible for the position of Director of Recreation and Parks, the person appointed by the City Manager subject to the civil service provisions of this Charter shall be qualified by experience in recreation and park administration. The Director of Recreation and Parks shall have power and be required to:

(a) Have charge of the promotion, development, and administration of the recreation programs and park affairs of the City under the direction of the City Manager;

(b) Develop, manage, and maintain recreation areas, parks, parkways, playgrounds, gardens, and other areas owned, leased, or used for recreation purposes, and facilities in connection therewith;

(c) Supervise recreation activities not conducted by the City but conducted in parks and other recreation areas of the City;

(d) Render landscape development and maintenance services required by other City departments to the extent practicable;

(e) Develop and carry out a planned program for beautification of the City;

(f) Look to the Board of Recreation and Parks for counsel and advice on public recreation and park matters;

(g) Solicit to the fullest extent practicable the cooperation of school authorities and other public and private agencies concerned with the recreation and park programs of the City.

Approval of appointments

Section 707. Appointment Powers of Department Heads. Subject to the approval of the City Manager and subject to civil service provisions of this Charter and the civil service rules and regulations established thereunder, each head of a department, office, or other agency shall have the power to appoint and remove such deputies, assistants, subordinates, and employees

as are provided for by the City Council for his department, office, or other agency.

Article VIII

Board of Education

Section 800. Board of Education: Number, Selection, and Term of Members. The Board of Education serving as the governing boards of the existing Santa Ana School District, the Santa Ana High School District, and the Santa Ana Junior College District shall consist of five members elected at large by electors qualified to vote in such districts' elections, as provided by law, at the times and in the manner provided in this Charter for a term of four years. The term of each member shall begin the first Tuesday following such election and each shall serve, except as otherwise provided for in this Charter, until his successor is elected and qualified. Board of Education.

Section 801. First Board Under Charter. The members of the Board of Education of the existing School Districts holding office when this Charter takes effect shall continue in office until their successors shall be elected and qualified under this Charter. Initial board

The three members elected to the Board of Education at the first special election to be held for the election of the members of the City Council and the members of the Board of Education under this Charter as provided in Article XII, receiving the highest number of votes shall hold office until the second Tuesday of April, 1957, and the two members receiving the lowest number of votes shall hold office until the second Tuesday of April, 1955. If, at any municipal election for members of the Board of Education, there shall be no choice between candidates by reason of two or more candidates having received an equal number of votes, then the Board of Education shall proceed to determine the election of such candidates by lot.

Section 802. Board of Education: Qualifications of Members. Each member of the Board of Education shall be a qualified elector of the School Districts as provided by law and shall have resided in said School Districts for at least two years next preceding the date of his election or appointment. If a member of the Board of Education shall cease to be a qualified elector of said School Districts or shall be convicted of a crime involving moral turpitude, his office shall immediate become vacant and be so declared by the Board of Education.

Section 803. Board of Education: Compensation of Members. Members of the Board of Education shall receive no compensation for their services as such. Compensation

Section 804. Board of Education: Vacancies. In the event of a vacancy in a membership on the Board of Education, for whatever cause, the Board of Education shall declare the office vacant and fill the same by appointment. In each case the person so appointed shall hold office until the first Tuesday following the next general municipal election and until his successor is elected and qualified for the remainder of an unexpired term. Vacancies

If a member of the Board of Education absents himself from all regular meetings of the Board of Education for a period of sixty days consecutively from and after the last regular Board of Education meeting attended by such member, unless by permission of the Board of Education expressed in its official minutes, or if a member is convicted of a crime involving moral turpitude or shall cease to be a qualified elector of the School Districts, his office shall become vacant and shall be so declared by the Board of Education.

Article IX

Appointive Boards and Commissions

Appointive boards and commissions.

Section 900. Appointive Boards and Commissions: In General. The following enumerated appointive boards and commissions are here established and shall have the powers and duties contained in this article:

(a) Board of Recreation and Parks
(b) Planning Commission
(c) Personnel Board

The City Council may create by ordinance such other appointive boards or commissions as in its judgment are required and may grant to them powers and duties as are consistent with the provisions of this Charter. The City Council, by motion adopted by at least three affirmative votes, or the City Manager, may appoint from time to time temporary committees as deemed advisable to render counsel and advice to the appointing authorities on any designated matters or subjects within the jurisdiction of such authorities.

Section 901. Appointive Boards and Commissions: Appointments, Removals, Vacancies, Terms. Except as otherwise specified in this Charter, the member of each of the appointive boards and commissions shall be appointed, and may be removed, by the City Council, subject in both appointment and removal by motion adopted by at least four affirmative votes. Vacancies from whatever cause arising shall be filled in the same manner. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself from three regular meetings of such board or commission, consecutively, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the City Council.

The members of such boards and commissions shall serve for a term of four years and until their respective successors are appointed and qualified. The members first appointed to such boards and commissions shall so classify themselves by lot that the term of one of each of their number shall expire each succeeding July 1. Where the total number of the members of a

board or commission to be appointed exceeds four, the classification by lot shall provide for the pairing of terms to such an extent as is necessary in order that the terms of at least one and not more than two shall expire in each succeeding year. Thereafter, any appointment to fill an unexpired term shall be for such an unexpired period.

Section 902. Appointive Boards and Commissions: Appropriations The City Council shall include in its annual budget such appropriations of funds as, in its opinion, shall be sufficient for the efficient and proper functioning of such appointive boards and commissions.

Section 903. Appointive Boards and Commissions: Existing Boards. Members of existing appointive boards and commissions at the time this Charter takes effect shall continue in office and shall perform their duties until other provisions shall have been made as provided in this Charter for the performance of such duties and for the discontinuance of such boards or commissions.

Section 904. Appointive Boards and Commissions: Meetings, Chairman. As soon as practicable after this Charter takes effect, each of the various boards and commissions enumerated in this article shall organize by electing one of its members chairman and one vice-chairman, which officers shall hold office until August 1, 1954, and until their successors are elected, unless their membership on the board or commission sooner expires. The election of each succeeding chairman and vice-chairman shall be held at the meetings of the respective boards and commissions during the month of July of each year. The board or commission, in the event of a vacancy in the office of the chairman or vice-chairman, shall elect one of its members for the unexpired term.

Each board or commission shall hold a regular meeting at least once a month with reasonable provision for attendance by the public. The City Manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board and commission shall prescribe rules and regulations governing its operations which shall be consistent with this Charter and shall be filed with the Clerk of the Council for public inspection.

Section 905. Appointive Boards and Commissions: Compensation. The members of appointive boards and commissions shall receive such compensation, if any, as may be prescribed by ordinance and may receive reimbursement for necessary traveling and other expenses when on official duty of the City when such expenditure has been so authorized by the board or commission and subject to rules and regulations prescribed by ordinance on order of the City Council.

Section 906. Appointive Boards and Commissions: Attendance of Witnesses, Oaths, and Affirmations. Each appointive board or commission shall have the same power as the City Council to compel the attendance of witnesses, to examine

them under oath, and to compel the production of evidence before it. Each member of any such board or commission shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

Board of Recreation and Parks

Section 907. Board of Recreation and Parks. The Board of Recreation and Parks shall consist of nine members appointed from the qualified electors of the City. Seven members shall be appointed by the City Council Not more than five of these seven members shall be of the same sex, and none of them shall hold any paid office or employment in the City government. Two members shall be appointed by the Board of Education.

Section 908. Board of Recreation and Parks: Powers and Duties. The Board of Recreation and Parks shall have power and be required to:

(a) Consider matters that may be referred to it by the City Council, the City Manager, or the Director of Recreation and Parks and render such counsel and advice in regard thereto as may be requested by the referring authorities;

(b) By its own motion, make such studies and investigations as it may deem necessary for the formulation of recreation and park policies, or to determine the wisdom and efficacy of the policies, plans, and procedures dealing with recreation and park matters and report its findings and recommendations to the City Council, the City Manager, or the Director of Recreation and Parks, or to any or all such authorities as it may see fit;

(c) Recommend to the City Council and the City Manager as to the acceptance or rejection of offers of donations of money, personal property, or real estate to be used for recreation and park programs;

(d) Consider the annual budget during the process of its preparation by the Director of Recreation and Parks and make recommendations with respect thereto to the City Manager and the City Council;

(e) Solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies concerned with recreation and park programs of the City.

Planning Commission

Section 909. Planning Commission. The Planning Commission shall consist of seven members to be appointed by the City Council from the qualified electors of the City, and no member of said Commission shall hold any paid office or employment in the City government

Section 910. Planning Commission: Powers and Duties. The Planning Commission shall have power and be required to:

(a) Prepare and maintain a master plan for the physical development of the City and of any land outside the boundaries thereof which, in the Commission's judgment bears relation to the planning for the physical development of the City, including a general plan for streets and highways, and submit such

plan annually to the City Council for consideration and approval;

(b) Make studies and plans for future civic land use, including use as public recreation facilities;

(c) Prepare a ten-year capital improvement program, revised annually, which shall set forth all of the capital improvements contemplated by the several offices, departments, and other agencies of the City according to a logical order of priority with the amount of funds required for each capital improvement and the planned method of financing and submit such a program annually to the City Manager and the City Council;

(d) Exercise such functions as to land subdivisions, zoning, and other City planning as may be prescribed by ordinance;

(e) By its own motion, make such studies and investigations as it may deem necessary for the formulation of planning and land use policies and report its findings and recommendations to the City Council or the City Manager, or to both such authorities, as it may see fit.

Section 911. Personnel Board. The Personnel Board shall consist of seven members to be appointed by the City Council from the qualified electors of the City. None of the members shall hold public office or employment or be a candidate for any other public office or position, be an officer of any local, state, or national partisan political club or organization, or, while a member of the Personnel Board or for a period of one year after he has ceased for any reason to be a member, be eligible for appointment to any salaried office or employment in the service of the City, or to any City elective office. Personnel Board

Section 912. Personnel Board: Powers and Duties. The Personnel Board shall have power and be required to:

(a) Hear appeals as provided for in Article X pertaining to the suspension, demotion, or dismissal of any officer or employee having permanent status in any office, position, or employment in the Competitive Service;

(b) Consider matters that may be referred to it by the City Council or the City Manager and render such counsel and advice in regard thereto as may be requested by the referring authorities;

(c) By its own motion, make such studies and investigations as it may deem necessary for the formulation of civil service policies, or to determine the wisdom and efficacy of the policies, plans, and procedures dealing with civil service matters and report its findings and recommendations to the City Manager or the City Council, or to both such authorities, as it may see fit;

(d) Recommend to the City Council, after a public hearing thereon held after at least a five-day public notice, the adoption, amendment, or repeal of civil service rules and regulations.

Article X

Civil Service

Merit system

Section 1000. Merit Basis of Appointment. Appointments and promotions in the Competitive Service of the City shall be made according to merit and fitness and from eligible lists to be established in accordance with civil service rules and regulations adopted in the manner provided in this Charter.

Legal effect of rules and regulations

Section 1001. Civil Service Rules and Regulations. Civil service rules and regulations as provided for in this Article shall have the force and effect of law only after having been adopted in an ordinance or ordinances by the City Council.

The civil service rules and regulations shall provide for such matters as the City Council and the Personnel Board may deem necessary, proper, or expedient to carry out the intent and purpose of the civil service provisions of this Charter.

Section 1002. Competitive and Excepted Service. The civil service of the City shall be divided into the Competitive Service and the Excepted Service.

Excepted service

(a) The Excepted Service shall comprise the following offices and positions:

1. The individual offices held by all elective officers;
2. The City Manager and an Assistant City Manager, if any;
3. The City Attorney and his legal assistants, if any;
4. The Director of Finance;
5. The Director of Personnel, if any;
6. One private secretary to the City Manager;
7. All posts as members of boards and commissions;
8. Positions occupied by persons employed to render professional, scientific, technical, or expert service of an occasional and exceptional nature;
9. Positions in any class or grade created for a special or temporary purpose, and which are to exist for a period of not longer than ninety days;
10. Positions of any class or grade exempted from the Competitive Service for a maximum period of six months in any calendar year provided that the Personnel Board upon application of the City Manager and after public notice and hearings recommends to the City Council such exemption and the City Council grants such exemption by motion adopted by four of its members. Any such exemption shall not affect the tenure of any person whose appointment has become final under civil service;
11. Part-time positions or employments requiring less than twenty regular hours of employment per week;
12. School crossing guards.

Competitive service

(b) The Competitive Service shall comprise all positions not specifically included by this Section in the Excepted Service.

(c) Any person who, on the effective date of this Charter, holds a position or employment included in the Competitive Service as defined in this Section or who is on an eligible or

re-employment list for a position or class of position in such Competitive Service, shall retain all status previously held prior to the effective date of this Charter in such position, employment, eligible list, or re-employment list.

(d) The person holding the position of City Clerk, City Treasurer, or City Marshal, each formerly an elective officer, if he shall have served continuously in such position for the period of six months immediately prior to such effective date, shall assume regular status in the Competitive Service under this Charter—as to the person formerly holding the position of City Clerk, in the position of Clerk of the Council; as to the person formerly holding the position of City Treasurer, in a position having similar duties in the department headed by the Director of Finance; and as to the person formerly holding the position of City Marshal, in a position of Chief of Police, the duties of which position shall be prescribed by the City Council by ordinance.

Appointments from competitive to excepted service

Section 1003. Appointments From Competitive Service to Excepted Service. In the event an officer or employee of the City holding a position in the Competitive Service is appointed to a position in the Excepted Service, and should subsequently be removed therefrom, he shall revert to his former position in the Competitive Service without loss of any rights or privileges and upon the same terms and conditions as if he had remained in said position continuously.

Position classification and pay plan

Section 1004. Position Classification and Pay Plan. The City Manager shall prepare, install, and maintain a position classification and pay plan covering all positions in both the Competitive and the Excepted Services of the City, subject to civil services rules and regulations and the approval of the City Council.

Recruitment and examination

Section 1005. Recruitment and Examinations. Examinations of applicants for positions in the Competitive Service shall be practical and relate to those matters which fairly test the relative capacity of the applicants to discharge the duties of the positions to which they seek to be appointed.

No person may be an applicant who is not a citizen of the United States, or who has not resided in the City of Santa Ana for at least one year next preceding the date of such examination. The residential requirement may be waived by the City Manager, upon approval of the Personnel Board as to particular examinations, whenever he believes such waiver is in the public interest, but in each instance he must declare in the proceedings the reasons therefor.

In all examinations for entrance into the Competitive Service of the City, veterans who attain a passing grade shall be allowed an additional preferential credit of five percent, and disabled veterans obtaining a passing grade shall be allowed a preferential credit of ten percent, of the maximum possible grade for such examination. The term "veteran" means a person who has served on active duty in the armed forces of the United States in time of war or armed intervention (and prior

to the cessation of hostilities, as declared by the President or the Congress of the United States) for a period of at least ninety days and has received an honorable discharge or release from active duty.

Promotions

Section 1006. Promotions. Vacancies in positions of the higher classes in the Competitive Service of the City shall, as far as practicable, be filled by promotion of employees occupying positions of lower classes having duties and responsibilities which can reasonably be considered as affording training and experience for the performance of the duties of the higher class; provided that the City Manager, with the approval of the Personnel Board, may hold examinations for positions of such higher classes on the basis of open competitive examinations or both open and promotional competitive examinations in the manner to be provided in the civil service rules and regulations. Eligibility for promotional examination shall be subject to civil service rules and regulations.

In promotional examinations where all applicants are employees of the City, civil service rules and regulations may provide for additional preferential credit based upon years of service to the City, such preferential credit not to exceed five percent of the maximum possible grade for such examination.

Appointment

Section 1007. Eligible Lists, Certification, and Appointment. Upon completion of any examination, the City Manager shall cause to be prepared and shall approve an eligible list with the persons who passed such examination being listed in relative order of the points they received, from highest to lowest. Such eligible list shall remain in effect for two calendar years unless within such period, the City Manager, or such person under the City Manager having charge of personnel administration, shall not be able to certify for appointment the number of persons required under the provisions of this Section.

Upon receipt of notice of a vacancy in the Competitive Service, the City Manager or such person under the City Manager having charge of personnel administration, shall certify to the appointing power the names of the three highest candidates on the eligible list for such position. The appointing power may appoint, of the three thus certified, whichever one in his opinion is best qualified for such position. No candidate may be certified more than three times for any one class or classified position from an eligible list resulting from any one examination.

If no eligible list for the classification exists, or an existing list for the classification contains less than the required three persons who are eligible and available for appointment, the City Manager, or such person under the City Manager having charge of personnel administration, shall so notify the appointing officer who may appoint one of the lesser number of persons or may make a temporary appointment to the vacancy, at his discretion. Such temporary appointment may not be for longer than ninety calendar days, nor may temporary appointments be

made to any positions for longer than one hundred and twenty working days in any one calendar year.

Upon appointment to a position in the Competitive Service, other than a temporary appointment, the person so appointed or promoted shall hold probationary status in such position and in the class to which it has been allocated. The duration of the period of probationary status shall be determined by the civil service rules and regulations provided for in this Article but in no instance shall extend over a period of more than one year. During such probationary period the employee may be rejected at any time without right of a hearing before the Personnel Board. When an employee has been retained continuously in probationary status for the required period, he shall achieve permanent status.

An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he was promoted, unless he is dismissed from the service of the City in addition to the rejection, in which event he shall have the right of a hearing before the Personnel Board as to such order of dismissal in the manner prescribed in Section 1008 of this Article.

Section 1008. Suspensions, Demotions, Dismissals. The board or officers having appointive power are vested with the right to exercise the disciplinary and removal powers hereinafter provided.

An employee serving a probationary period in a position in the Competitive Service shall be subject to suspension without pay for a period not to exceed thirty days or to dismissal by the officer having the power of appointment, and the employee so disciplined or discharged shall not have a right of appeal, except that an employee who held permanent status in some other position or employment included within the Competitive Service immediately prior to his appointment to probationary status shall not be discharged from the service of the City without right of appeal to the Personnel Board in the manner prescribed in this Section.

An employee, other than one serving a probationary period, holding a position in the Competitive Service shall be subject to suspension without pay for a period not to exceed thirty days in any one calendar year, or to demotion, or to dismissal from his position and from the municipal service, subject to the right of hearing by or appeal to the Personnel Board as provided in this Article. Each or any of these actions relating to suspension, demotion, or dismissal may be taken by the officer having power of appointment to the position on the grounds of incompetency, inefficiency, dishonesty, misconduct, insubordination, failure to observe departmental or City rules or the rules and regulations as provided for in this Article, or failure to cooperate reasonably with his superiors or fellow employees.

Such employee shall be entitled to receive, upon his request, at the office of the board or officer taking such action, not later than the third business day thereafter, a written statement in

which shall be separately stated each of the charges against him upon which such suspension, demotion, or removal is based, a copy of which statement shall be filed by the appointing power bringing the charges with the Personnel Board, the Clerk of the Council, and the City Manager. The employee shall have ten days after receipt of such statement within which to file an answer to the charges should he desire to do so.

The answer shall be filed in the offices of the Personnel Board, the Clerk of the Council, and the City Manager. In his answer, or otherwise if no statement of charges has been made available to him as required, such employee may request a hearing by the Personnel Board to review such suspension, demotion, or dismissal which hearing shall be called and held in the manner provided for in the civil service rules and regulations. If a hearing is requested, the Personnel Board shall thereupon set a date for hearing the matter, which date shall not be sooner than five nor longer than ten days after the filing of the request for hearing. Hearings may be conducted informally and the rules of evidence need not apply. Such employee shall have an opportunity at such hearing to be heard in person or by counsel and the right to subpoena witnesses. All hearings held under the provisions of this Section shall be open to the public.

The Personnel Board shall make written findings which shall state as to each charge whether or not such charge is sustained. The Personnel Board shall also set forth in writing its conclusions and recommendation based upon such findings and within ten days after concluding the hearing, it shall certify its findings, conclusions, and recommendation to the board or officer from whose action the appeal was taken, and to the City Manager and the City Council.

If, with respect to a suspension, demotion, or dismissal, the Personnel Board shall conclude that the employee charged was not guilty of the act resulting in such suspension, demotion, or dismissal, a recommendation by it of reinstatement without loss of pay shall be binding upon the appointing power who forthwith shall order such reinstatement. In the event that the Personnel Board shall conclude that the employee was guilty of the act resulting in such suspension, demotion, or dismissal but that the penalty was not warranted under the circumstances, a recommendation by it of reinstatement with loss of pay shall be binding upon the appointing power who forthwith shall order such reinstatement with loss of pay. The conclusions and recommendations of the Personnel Board as to reinstatement with or without loss of pay shall be final and no appeal may be taken therefrom.

If, with respect to a suspension, demotion, or dismissal, the Personnel Board concludes that such suspension, demotion, or dismissal was warranted, any recommendation by it shall be advisory only and shall not be binding on the appointing power and, in such instance, the decision of the appointing power shall be final and no appeal may be taken therefrom.

Vacancies created under this Section may be filled by the appointing power by temporary appointment pending the completion of any proceedings taken hereunder.

A reduction in pay shall be treated as a demotion under this Section, unless the reduction in pay is part of a plan to reduce salaries and wages in connection with a general economy or curtailment program. A failure to grant an increase in pay at a time when an increase would otherwise have been granted as part of a plan to increase salaries and wages throughout the City service shall likewise be treated as a demotion under this Section.

Abolition of positions

Section 1009. Abolition of Positions, Lay-offs. No provisions of this Article shall be construed as interfering with the power of the City Council by stating in its proceedings its reasons therefor, to abolish a position, combine the duties of two or more positions, or reduce the number of employees in a given class except as specifically provided in Article VII of this Charter. Should an abolished position be renewed or a combined position be separated or any position or positions involving substantially the same duties be created or filled within two years, the employee or employees discharged shall be entitled to be appointed thereto.

All lay-offs occasioned by the abolishment of a position, the combination of duties of two or more positions, or the reduction in number of employees in a given class shall be governed by seniority in service and shall be in the reverse order of employment. Re-employment shall be in the reverse order of lay-offs.

Prohibited acts

Section 1010. Prohibitions. No person in a position, office, or employment in the service of the City of Santa Ana or who is an applicant for appointment thereto shall in any way be favored or discriminated against because of his race, religion, or political opinions.

No person holding any position in the service of the City, excepting elective officers and members of appointive boards and commissions, or on an eligible list, shall take an active part in any municipal political campaign in behalf of any candidate, or contribute thereto, nor shall such person seek signatures to any petition to advance the candidacy of any person for any municipal office. Nothing in this Section shall be construed to prevent any such persons from seeking election or appointment to public office. Upon becoming a candidate for public office, any such person shall request and be granted a leave of absence, without pay, to remain in effect during the period of time such person is a candidate.

No officer or employee of the City and no candidate for any City office shall, directly or indirectly, solicit any assessment, subscription, or contribution, whether voluntary or involuntary, for any political candidate, from anyone on an eligible list or holding any position in the service of the City, excepting elective officers and members of appointive boards and commissions.

No person shall willfully or through culpable negligence make any false statement, certificate, mark, rating, or report in regard to any application, test certification, or appointment held or made under the provisions of this Article or in any manner commit or attempt any fraud preventing the impartial execution of such provisions or of the rules and regulations made hereunder. In addition to the penalties provided for in this Charter for violations of its provisions, any person who by himself or with others willfully or corruptly violates any of the provisions of this Article shall upon conviction thereof be ineligible for a period of three years for employment in the service of the City and shall immediately forfeit his office or position if he be an officer or employee of the City.

Administrative contracts

Section 1011. Contract for Performance of Administrative Functions. The City Council, upon recommendation of the City Manager, may contract with the governing body of any other city or of any county within this state, or with any state department or other state agency for the preparing or conducting of competitive examinations for positions in the service of the City or for the performance of any other personnel administration service.

Article XI

General Provisions

Investigations

Section 1100. Investigations by the City Council or City Manager. The City Council, the City Manager, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, agency, or officer of the City and to make investigations as to City affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence.

Public inspection of records

Section 1101. Publicity of Records. All records and accounts of every office, department, or other agency of the City shall be open to inspection by any citizen, any representative of a citizens' organization, or any representative of the press at all reasonable times and under reasonable regulations established by the City Manager, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Illegal contracts

Section 1102. Illegal Contracts, Financial Interest. No member of the City Council or officer of the City shall be financially interested, directly or indirectly, in any contract, sale, or transaction to which the City is a party.

No member of any board or commission shall be financially interested, directly or indirectly, in any contract, sale, or transaction to which the City is a party and which comes before the board or commission of which such person is a member, for approval or other official action on which pertains to the department, office, or other agency of the City with which such board or commission is connected.

Any such contract, sale, or transaction in which there shall be such an interest shall become void at the election of the City, when so declared by resolution of the City Council.

No member of the City Council, officer of the City, or member of any board or commission shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation by reason of ownership of stock in such corporation unless said stock so owned by him shall amount to at least three percent of all the stock of such corporation issued and outstanding.

If any member of the City Council, officer of the City, or member of a board or commission shall be financially interested as aforesaid, upon conviction thereof, he shall forfeit his office in addition to any other penalty which may be imposed for such violation of this Charter.

Section 1103. Official Bonds. The City Council shall, by ordinance, fix the amounts and terms of the official bonds of all officers and employees of the City who are required by this Charter or by ordinance to give such bonds. All bonds shall be executed by a responsible corporate surety, shall be approved by the City Attorney as to form, and shall be filed with and remain in the keeping of the Director of Finance, provided that the bond of the Director of Finance shall be filed with and remain in the keeping of the Clerk of the Council. The premium on any official bond furnished under the provisions of this Section and executed by a corporate surety shall be paid by the City. Official bonds

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinates, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

Section 1104. Administering Oaths. Each head of an office, department, or other agency and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department. Oaths

Section 1105. Oath of Office. Each member of the City Council and of every board and commission and each officer and full-time City employee shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Clerk of the Council:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting name of office) according to the best of my ability."

Section 1106. Officers of the City. The officers of the City shall be: City officers

Members of the City Council,
Members of the Board of Education,
City Manager,
City Attorney,
Clerk of the Council,

Director of Finance,
Director of Public Works,
Director of Recreation and Parks,
Members of appointive boards and commissions as provided for in this Charter,
Such other officers as shall be named by ordinance.

Article XII

Elections

Elections

Section 1200. Elections: In General. The conduct of all municipal elections by the Clerk of the Council shall be under the control of the City Council which shall, by ordinance, provide for the holding of all municipal elections.

Section 1201. Elections: General Municipal. General municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City of Santa Ana on the first Tuesday in April in each odd numbered year commencing with the year 1955.

Section 1202. Elections: Special Municipal. All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

Section 1203. Elections: Procedures for Holding Elections. Unless otherwise provided by ordinance, hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in cities of the sixth class insofar as the same are not in conflict with this Charter.

Section 1204. Elections: First Election Under Charter. A special municipal election shall be held for the election of the first members of the City Council and the Board of Education under this Charter, on the first Tuesday of April, 1953, or the tenth Tuesday following the approval of this Charter by the Legislature, whichever is later.

Section 1205. Initiative, Referendum, and Recall. The powers of the initiative and referendum and of the recall of elected municipal officers are hereby reserved to the electors of the City. Unless otherwise provided by ordinance, hereafter enacted, the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, governing the initiative, the referendum, and the recall of the municipal officers shall apply to use thereof in the City insofar as such provisions of the Elections Code are not in conflict with this Charter.

Article XIII

Franchises

Franchises.

Section 1300. Franchises: In General. The term "the streets of the City" as used in this Article shall include streets,

ways, alleys, avenues, highways, boulevards, concourses, drive- "The streets of the city"
ways, bridges, parks, parkways, and public grounds or waters within or belonging to the City.

Subject to the provisions of this Charter, the City Council shall have the power in behalf of the City to grant franchises or rights or make contracts providing for the furnishing of the City and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration and storage, or any other public utility or service, or using the streets of the City for the operation of plants, works, or equipment for the furnishing thereof, or traversing any portion of the streets of the City for the transmitting or conveying of any such service elsewhere.

The City Council may grant a franchise to any person, firm, or corporation, whether operating under an existing franchise or not, and may prescribe the terms and conditions of any such grant. The City Council may also provide, by procedural ordinance, the method of procedure and additional terms and conditions for making such grants, subject to the provisions of this Charter.

No grant of any franchise may be transferred or assigned by the grantee except by consent in writing of the City Council and unless the transferee or assignee thereof shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and by this Charter.

The City may issue permits for the construction of spur or side tracks in and over the streets of the City and the running of cars thereon for the purpose of connecting warehouses, factories, or other business industries and enterprises with any line of railroad within the City, upon such terms and subject to such regulations and conditions as shall be prescribed from time to time by ordinance. Such tracks shall be used for the transportation of freight only and shall not be used as a main line or part thereof. Such tracks must be laid and operated in such manner and under such restrictions as not to interfere with the use of the streets of the City by the public. All such permits shall be revocable at the pleasure of the City Council.

Section 1301. Franchises: Terms of Franchises. Every Terms
franchise shall state the term for which it is granted, which, unless it be indeterminate as provided for herein, shall not exceed twenty-five years.

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of the Public Utilities Commission or its successors of the State of California, or the Inter-State Commerce Commission as the case may be, shall be voluntarily surrendered or abandoned by its possessors, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase by voluntary agreement or shall condemn and take, under the power of eminent domain, all property actually used and useful in the exercise

of such franchise and situate within the territorial limits of the State, municipal, or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for noncompliance with its terms by the possessor thereof.

Section 1302. Franchises: Grants to Be in Lieu of All Other Franchises. Any franchise granted by the City with respect to any given utility service shall be in lieu of all other franchises, rights, or privileges owned by the grantee, or by any successor of the grantee to any right under such franchise, for the rendering of such utility service within the limits of the City as they may now or hereafter exist, except any franchise derived under Section 19 of Article XI of the Constitution of the State of California as said section existed prior to amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder, shall operate as an abandonment of all such franchise, rights, and privileges within the limits of the City as such limits shall at any time exist, in lieu of which such franchise shall be granted.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the Clerk of the Council. Such acceptance shall be filed within thirty days after the adoption of the ordinance granting the franchise, or any extension thereof granted by the City Council, and when so filed, such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with, additional territory, any and all franchises, rights, and privileges owned by the grantee therein, except a franchise derived under said constitutional provision, shall likewise be deemed to be abandoned within the limits of such territory.

Resolution of intention, etc

Section 1303. Franchises: Resolution of Intention, Notice, and Public Hearing. Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour, and place when and where any persons having any interest therein, or any objection to the granting thereof, may appear before the City Council and be heard thereon. The City Council shall direct the Clerk of the Council to publish said resolution at least once within fifteen days of the passage thereof, in the official newspaper. The time fixed for such hearing shall not be less than twenty nor more than sixty days after the passage of said resolution. At the time set for the hearing, the City Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter, it may grant, or deny, the franchise, subject to the right of referendum of the people.

Duties of grantees

Section 1304. Franchises: Duties of Grantees. By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms

and conditions imposed in the grant, or by procedural ordinance, and shall further agree to:

(a) Comply with all lawful ordinances, rules, and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power governing the construction, maintenance, and operation of the grantee's plants, works, or equipment;

(b) Pay to the City on demand the cost of all repairs to the public property made necessary by any of the operations of the grantee under such franchise;

(c) Indemnify and hold harmless the City and its officers from any and all liability for damages proximately resulting from any operations under such franchise;

(d) Remove and relocate without expense to the City any facilities installed, used, and maintained under the franchise if and when made necessary by any lawful change of grade, alignment, or width of any public street, way, alley, or place that is not a freeway to which all rights of access have been acquired by the State of California, including the construction of any subway or viaduct, or if the public health, comfort, welfare, convenience, or safety so demands;

(e) Pay to the City during the life of the franchise a percentage, to be specified in the grant, of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the City Council may prescribe in the grant.

Misdemeanor

Section 1305. Exercise of Privilege Without Franchise. The exercise by any person, firm, or corporation of any privilege for which a franchise is required, without possessing a valid and existing franchise therefor, shall be a misdemeanor and shall be punishable in the same manner as violations of this Charter are punishable and each day that such condition continues to exist shall constitute a separate violation.

Eminent domain

Section 1306. Eminent Domain. No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain and nothing herein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

City-owned utilities

Section 1307. City-owned Utilities. In the event that any public utility shall be taken over by the City, by purchase or through the exercise of the right of eminent domain, the franchise shall have no value.

No public utility owned by the City shall be sold, leased, or otherwise transferred unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at a general or special election at which such proposition is submitted.

Article XIV

Retirement

Retirement system

Section 1400. Employees' Retirement System. Plenary authority and power are hereby vested in the City, its City Council, and its several officers, agents, and employees to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of the State Employees' Retirement Law, as it now exists or may hereafter be amended, to enable said City to continue as a contracting City participating in the state retirement system.

The City Council is directed to comply with all the provisions of the State Employees' Retirement Law, as now enacted, or as it may hereafter be amended, including the levy of all necessary taxes.

The City Council may terminate any such contract with the Board of Administration of the State Employees' Retirement System only under authority granted by ordinance adoption by a two-thirds vote of the electors of the City voting on such proposition at an election at which such proposal is presented.

Article XV

Miscellaneous

Amendments

Section 1500. Amendments to Charter. Amendments to this Charter shall be proposed and submitted to the electors of the City in the manner provided by the Constitution of the State of California.

Violations: Misdemeanor, penalty

Section 1501. Violations. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding Five Hundred Dollars ($500.00) or by imprisonment for a term not exceeding six months or by both such fine and imprisonment.

Definitions

Section 1502. Definitions. Unless the provision or the context otherwise requires, as used in this Charter:

(a) Whenever the "City" occurs in this Charter, it means the City of Santa Ana, and whenever the term office, department, agency, board, commission, officer, or employee, as the case may be, is used, it means an office, department, agency, board, commission, officer, or employee of the City of Santa Ana;

(b) "Shall" is mandatory, and "may" is permissive;

(c) "County" is the County of Orange;

(d) "State" is the State of California.

Section 1503. Separability. If any section or part of section of this Charter, or the application thereof to any person or circumstance, shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter, or the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in mean-

ing and effect with the section or part of section to which such holding will directly apply, or the application of such provision to other persons or circumstances.

We do further certify and declare that the foregoing constitutes a full, true and correct statement of the proceedings had by the City of Santa Ana and the City Council of said City in the matter of framing, proposal, and submission of said proposed charter for the government of the City of Santa Ana and in calling the election thereon, voting upon, canvassing the returns and declaring the results of said election.

IN WITNESS WHEREOF we have hereunto set our hands and hereunto affixed the Seal of the City of Santa Ana, this 19th day of December, 1952.

COURTNEY R. CHANDLER
(SEAL) Mayor
ERMA KEELER
City Clerk

and

WHEREAS, Said charter has been submitted to the Legislature of the State of California for approval or rejection without alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the said charter as presented to, adopted, and ratified by the electors of the City of Santa Ana and as hereinbefore fully set forth, be, and the same is hereby approved as a whole, as and for the charter of the City of Santa Ana. Approval

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CHAPTER 5

Assembly Concurrent Resolution No. 13—Approving a certain amendment to the charter of the County of Los Angeles, State of California, submitted to, voted for, and ratified by, the electors of said county at the general election held in said county on the fourth day of November, 1952.

[Filed with Secretary of State January 9, 1953]

WHEREAS, The County of Los Angeles, State of California, has been at all times herein mentioned, and now is, a body politic and corporate, and a political subdivision of the State of California, and is now, and has been, since the second day of June, 1913, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the fifth day of November, Los Angeles County: Charter amendment

1912, and approved by the Legislature of the State of California on the twenty-ninth day of January, 1913; and

WHEREAS, The board of supervisors of said county, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did, by resolution adopted on the second day of September, 1952, duly propose to the qualified electors of said County of Los Angeles an amendment to the charter of said county, designated as proposed County Charter Amendment No. 1, and ordered that said amendment be submitted to said qualified electors of said county at the general election to be held in said county on the fourth day of November, 1952, which date was the day fixed by law for the holding of said general election; and

WHEREAS, Said proposed Charter Amendment No. 1 was published for 10 times in the Los Angeles Daily Journal and The Los Angeles News, a daily newspaper of general circulation, printed, published, and circulated in said county, to wit, on September 8, 9, 10, 11, 12, 15, 16, 17, 18 and 19, 1952; and

WHEREAS, Said board of supervisors, by said resolution adopted on said second day of September, 1952, did order the placing of said proposed charter amendment on the ballot of said general election to be held in said County of Los Angeles on said fourth day of November, 1952, which date was not less than 30 days nor more than 60 days after said publication of such proposals, as aforesaid, for 10 times in a daily newspaper of general circulation printed, published, and circulated in said county; and

WHEREAS, Said general election was held in said County of Los Angeles on said fourth day of November, 1952; and

WHEREAS, Thereafter, the registrar of voters of said County of Los Angeles did, in the manner provided by law, duly and regularly canvass the returns of said election and certify the same to the clerk of the board of supervisors of said county, and said clerk did on the ninth day of December, 1952, duly enter on the records of said board of supervisors a statement of the results of said canvass and said election; and

WHEREAS, At said general election held on said fourth day of November, 1952, said proposed amendment was ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendment so ratified by the electors of said County of Los Angeles is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and is in words and figures as follows, to wit:

PROPOSED COUNTY CHARTER AMENDMENT NO. 1

That the Charter of said County of Los Angeles be amended by amending Section 4 of Article II thereof to read as follows:

Sec. 4. The County of Los Angeles shall have a Board of Supervisors consisting of five members, each of whom must be an elector of the district which he represents, must reside therein during his incumbency, must have been such an elector for at least one year immediately preceding his election, and shall be elected by such district. Their terms of office shall be four years, and each shall hold until his successor is elected and qualified. No person while a member of the Board of Supervisors shall receive any compensation, in addition to that provided for by this section, for services rendered to any public or governmental entity. They shall each receive as compensation for their services a salary, payable monthly from the County Treasury, which shall be the same as that now or hereafter prescribed by law for a judge of the Superior Court in and for the County of Los Angeles, except that retirement benefits shall be those now or hereafter provided by law for officers and employees of the County of Los Angeles. They shall devote all their time during business hours to the faithful service of the public.

Board of supervisors

Terms of office

Compensation

Notwithstanding any other provisions of this Charter, this amendment shall be operative as to incumbent members of said Board during their respective terms. If any provision of this amendment is held inoperative as to incumbent members during their current terms, then no change made by this amendment shall be operative as to incumbent members during their current terms, but in all other respects this amendment shall be operative to the extent legally possible.

Effect

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } SS.

We, the undersigned, John Anson Ford, Chairman of the Board of Supervisors of the County of Los Angeles, State of California and Harold J. Ostly, County Clerk and ex-officio Clerk of the Board of Supervisors of said county of Los Angeles, do hereby certify:

Certificate

That the foregoing proposed and ratified amendment to the charter of said County of Los Angeles, submitted to the electors of said county at the general election held in said county on said fourth day of November, 1952, has been compared by us, and each of us, with the proposed amendment set forth in the resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are, and each of them, true.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the same to be attested by the County Clerk and authen-

ticated by the seal of the Board of Supervisors of the County of Los Angeles, this 17th day of December, 1952.

(SEAL)

JOHN ANSON FORD
Chairman, Board of Supervisors of the County of Los Angeles.
HAROLD J. OSTLY
County Clerk and ex-officio Clerk of the Board of Supervisors
By RAY E. LEE, Deputy

ATTEST:
HAROLD J. OSTLY, County Clerk of the County of Los Angeles, State of California
By RAY E. LEE, Deputy

(SEAL)

and

WHEREAS, Said proposed amendment to the charter of said County of Los Angeles, so ratified by the electors thereof, has been submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting for the adoption of this resolution, and concurring therein, That said amendment to the charter of the County of Los Angeles as proposed by the board of supervisors of said county and as ratified by the electors of said county, and as hereinbefore set forth, be, and the same is hereby approved as a whole, without amendment or alteration, as an amendment to, and as a part of, the charter of the County of Los Angeles, State of California.

CHAPTER 6

Senate Concurrent Resolution No. 2—Relative to the death of Mrs. Goodwin J. Knight.

[Filed with Secretary of State January 13, 1953]

Death of Mrs Goodwin J Knight

WHEREAS, The Members of the Legislature have learned with deep regret of the passing on October 27, 1952, of Mrs. Goodwin J. Knight, wife of California's highly esteemed Lieutenant Governor; and

WHEREAS, Arvilla Knight was a native of the State of Utah and the mother of two daughters and a very devoted companion to her bereaved husband; and

WHEREAS, Mrs. Goodwin J. Knight was very highly esteemed and respected by all who knew her, and was a person of great personal charm and one whose absence will be greatly missed throughout the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature sincerely mourn the passing of the lifemate of our highly esteemed Lieutenant Governor Goodwin J. Knight, and desire by this resolution to convey to him their most sincere sympathy in his bereavement, and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to have copies of this resolution suitably prepared and to present the same to the bereaved members of the family of the late Mrs. Goodwin J. Knight.

CHAPTER 7

Senate Concurrent Resolution No. 3—Relative to the death of the Honorable Roy Fellom.

[Filed with Secretary of State January 13, 1953]

WHEREAS, The Honorable Roy Fellom, a former Member of the Legislature, passed from this life on September 24, 1952; and Death of Roy Fellom

WHEREAS, The Honorable Roy Fellom was a native of San Diego County and was educated in Santa Clara and San Francisco and was a newspaperman and publisher of note; and

WHEREAS, The Honorable Roy Fellom was a grandson of the distinguished pioneer Matthew Fellom who landed at Bodega Bay in 1821 and was later appointed Judge at San Juan Bautista; and

WHEREAS, The Honorable Roy Fellom, true to his family traditions early became active in the public life of his community and was elected to the State Assembly in the year 1920 and served in that body through the sessions of 1921 and 1923, and was elected to the Senate in 1925 serving continuously therein until, due to reapportionment, his district was discontinued in 1934; and

WHEREAS, The Honorable Roy Fellom was a diligent, serious minded and purposeful legislator, being the author of numerous important acts of legislation, in addition to all of which he was a devoted husband and father and played an important and significant part in the business of heavy construction throughout the west; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California deplores the passing of the Honorable Roy Fellom

and desires by this resolution to convey its sympathy to the bereaved family; and be it further

Resolved, That when the Legislature shall adjourn from its work on this day, it shall do so in honor of the passing of the Honorable Roy Fellom, and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to forward suitably prepared copies of this resolution to the bereaved members of the family of the Honorable Roy Fellom.

CHAPTER 8

Senate Concurrent Resolution No. 4—Relative to the death of the Honorable Bradford S. Crittenden.

[Filed with Secretary of State January 13, 1953]

Death of Bradford S. Crittenden

WHEREAS, The Members of the Legislature have learned with deep regret of the death of the Honorable Bradford S. Crittenden on the twenty-ninth of August, 1952, and

WHEREAS, Senator Crittenden was a native of the State of Ohio, who came to California as a child and settled on a farm in Merced County where he attended the Newman Grammar School and later attended the College of the Pacific at San Jose and Hastings Law School, being admitted to the bar in 1907; and

WHEREAS, The Honorable Bradford S. Crittenden engaged in the pursuit of law in San Francisco, San Jose and San Joaquin County; and

WHEREAS, Being characterized by a keen interest in the welfare of his fellow men he offered himself as a candidate for the Assembly in 1920 and was elected, and served continuously in that body until 1930 at which time he was elected to the Senate. He was continuously re-elected to the Senate until 1950, at which time he decided to retire from public life and did not offer his name as a candidate for the Senate. In 1947, upon the passing of the Honorable Herbert W. Slater, he became the dean of the Legislature, having been a legislator for 30 years, and

WHEREAS, The Honorable Bradford S. Crittenden made numerous noteworthy contributions to the public life of the State of California, especially in his interest in constructive work for the cause of water conservation and utilization; and

WHEREAS, Senator Crittenden was a man of temperate habits, a high degree of patriotism and a zealous championship of such causes as commended themselves to him; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature deplores the passing of this fine public servant and desires by this resolution to convey its regret to his bereaved family, and be it further

Resolved, That when the Legislature shall adjourn from its labors on this day, it shall do so in honor of the memory of the Honorable Bradford S. Crittenden, and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to have prepared appropriately engrossed copies of this resolution, and to forward the same to the members of the bereaved family of the Honorable Bradford S. Crittenden.

CHAPTER 9

Senate Concurrent Resolution No. 8—Approving certain amendments to the charter of the County of San Diego, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election held therein on November 4, 1952.

[Filed with Secretary of State January 13, 1953]

County of San Diego. Charter amendments

WHEREAS, The County of San Diego, State of California, has been at all times herein mentioned, and now is, a body politic, and a political subdivision of the State of California, and is now and has been, since the first day of July, 1933, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at a general election held for that purpose on November 8, 1932, and approved by the Legislature of the State of California, on January 17, 1933, and filed in the office of the Secretary of State on January 17, 1933; and

WHEREAS, The board of supervisors of said county, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did, by resolutions and orders adopted on September 2, 1952, duly propose to the qualified electors of said County of San Diego, amendments to the charter of said county, designated on the ballot as County Propositions B, C, D, and E, Proposition B consisting of the amendment of Section 56 of Article XII of said charter, Proposition C consisting of the amendment of Section 10 of Article II of said charter, Proposition D consisting of the amendment of Section 58 of Article XIII of said charter, and Proposition E consisting of the amendment of Sections 53 and 54 of Article XI of said charter, and ordered that said amendments be submitted to said qualified electors of said county at a general election to be held in said county on November 4, 1952, which date was fixed by law as the date for holding said general election; and

WHEREAS, Said proposed amendments to the Charter of the County of San Diego were each published for ten times in the San Diego Union, a daily newspaper of general circulation, printed, published and circulated in said county, on September 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, 1952; and

WHEREAS, Said general election was held in said County of San Diego on November 4, 1952, which said day was not less than 30 days and not more than 60 days after said proposed

amendments to said charter had been published for 10 times in said San Diego Union; and

WHEREAS, Thereafter the returns of said general election held in the County of San Diego on November 4, 1952, at which said election said proposals were duly submitted to the vote of the qualified electors of said county, were made to and canvassed by the registrar of voters of the County of San Diego, and by said officer certified to the clerk of the board of supervisors of said county, and said clerk of the board of supervisors did on December 5, 1952, duly enter on the records of said board of supervisors a statement of the result of said canvass and said election in the form and manner prescribed by law; and

WHEREAS, At said general election held on November 4, 1952, said proposed amendments to the Charter of the County of San Diego, were each and all ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendments so ratified by the electors of said County of San Diego are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California and are in words and figures as follows, to wit:

COUNTY PROPOSITION B AMENDMENT TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Section 56 of Article XII of said charter be amended to read as follows:

Probation committee, etc.: Duties

Section 56: The Probation Committee, the Probation Officer and all deputies and assistants shall perform the duties imposed upon them by general law; the Probation Officer shall have the further power to administer the management and control of the internal affairs of the juvenile hall, detention home, joint detention home, juvenile home, joint juvenile home, camp or ranch or ranch institutions, and any other County institutions for juveniles in which wards and/or alleged wards of the Juvenile Court are placed which are now or may hereafter be established.

COUNTY PROPOSITION C AMENDMENT TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Section 10 of Article II of said charter be amended to read as follows:

Board of supervisors: Salaries

Section 10: Each member of the Board of Supervisors shall receive as compensation for his services as such supervisor the salary fixed by general law.

Operative date

Said amendment shall take effect on the effective date of a general law fixing the salaries of the members of the Board of Supervisors of the County of San Diego.

COUNTY PROPOSITION D AMENDMENT TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Section 58 of Article XIII of said charter be amended to read as follows:

Section 58: The Board of Supervisors may require that any of the officers, boards, departments, bureaus and commissions of the County perform any or all of the duties and functions of similar and corresponding offices of any municipal corporation, district or political subdivision in the County when such municipal corporation, district or political subdivision, in conformity with the laws of the State of California, so requests such performance. The terms and conditions upon which such duties or functions are to be performed by the County, including the consideration to be paid to the County, shall be established by agreement between the County and the municipal corporation, district or political subdivision. Such agreement may provide for the employment by the County of any of the personnel of the municipal corporation, district or political subdivision performing such duties and functions, and notwithstanding any other provisions of this charter such agreement may provide for the terms and conditions upon which such personnel are to be employed by the County including pension or retirement benefits, civil service status, seniority credits, vacation credits, sick leave credits and similar employee benefits to be granted such personnel.

Performance of municipal functions

COUNTY PROPOSITION E AMENDMENT TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Sections 53 and 54 of Article XI of said charter be amended to read as follows:

Section 53: The Board of Supervisors shall create a Department of Public Health. The existing Board of Health is hereby abolished. There shall be created a new Board of Health consisting of seven (7) members appointed in the following manner: One member designated by the Board of Supervisors of the County of San Diego to act as its representative; one member designated by the City Council of the City of San Diego to act as its representative and five additional members to be appointed by the Board of Supervisors in the following manner: one member to be chosen from a list of three nominees presented by the joint action of the incorporated cities of the county, excluding the City of San Diego; two members to be appointed from a list of not more than five nominees submitted by the San Diego County Medical Society; and two members representing the citizens at large, one of whom shall be a resident of the unincorporated area of the County and the other to be a resident of an incorporated area in the County.

Department of Public Health:

All appointments to the Board of Health shall be made in such a manner that no single professional or business group shall constitute a majority of the membership.

Members of the Board of Health shall serve for a term of four years from the first day of the month next succeeding their appointment, however, at the organization meeting of the first Board, the membership shall be classified, by lot, in such manner that four members will retire at the expiration of two years and the remainder four years from the effective date of appointment.

A vacancy on the Board of Health shall be filled for the unexpired term in the same manner established for an original appointment.

Members of the Board of Health shall serve without compensation.

Duties

Section 54: It shall be the duty of the Board of Health to:

(1) Advise the executive head of the Department of Public Health and the Board of Supervisors on matters relating to general public health policy and the specific programs undertaken by the Department of Public Health.

(2) Recommend to the Board of Supervisors the adoption of such rules, regulations and ordinances relating to public health and sanitation as it may deem necessary and desirable for the protection of the public.

(3) Advise the City council of any city served by the Department of Public Health on health and sanitation problems of interest to such city or cities.

(4) Hear citizen complaints and formulate recommendations for appropriate disposition of such complaints.

(5) Perform such additional duties as may be assigned from time to time by the Board of Supervisors.

STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } ss.

Certificate

We, the undersigned, David W. Bird, Chairman of the Board of Supervisors of the County of San Diego, State of California, and T. H. Sexton, County Clerk and ex officio clerk of the Board of Supervisors of said County of San Diego, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of San Diego, submitted to the electors of said county at a general election held in said county on November 4, 1952, have been compared by us, and each of us, with the proposed amendments set forth in the resolutions adopted by said Board of Supervisors, as hereinbefore set forth, and that the foregoing are full, true, correct and exact copies thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

IN WITNESS WHEREOF we have hereunto set our hands and caused the same to be authenticated by the seal of the said

Board of Supervisors of the County of San Diego this 9th day of December, 1952.

(SEAL)

D. W. BIRD
Chairman of the Board of Supervisors of the County of San Diego, State of California
T. H. SEXTON
County Clerk and ex officio Clerk of the Board of Supervisors of the County of San Diego, State of California

ATTEST:
T. H. SEXTON
County Clerk of the County of San Diego, State of California
(SEAL)

WHEREAS, Said proposed amendments to the charter of the County of San Diego, so ratified by a majority of the electors voting thereon at said general election held on November 4, 1952, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved, by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendments to the charter of the County of San Diego, as proposed by the board of supervisors of said County of San Diego and as ratified by the electors of the said County of San Diego, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, as amendments to, and as part of, the charter of the County of San Diego.

CHAPTER 10

Senate Concurrent Resolution No. 10—Relative to approving amendments to the charter of the City of Watsonville, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of said city at a special municipal election consolidated with the general state election held November 4, 1952.

[Filed with Secretary of State January 13, 1953]

City of Watsonville. Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter of the City of Watsonville, a municipal corporation in the County of Santa Cruz, State of California, as hereinafter set

out in the certificate of the mayor and city clerk of the said city as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF SANTA CRUZ } ss.
CITY OF WATSONVILLE

CERTIFICATE OF RATIFICATION OF TWO AMENDMENTS
TO THE CHARTER OF THE CITY OF WATSONVILLE

Certificate

We, the undersigned, P. B. Marinovich, Mayor of the City of Watsonville, and F. J. O'Brien, City Clerk of said City, do hereby certify as follows:

That the City of Watsonville, a municipal corporation in the County of Santa Cruz, State of California, now is, and at all times herein mentioned was, a city containing a population of more than 3,500 and less than 50,000 inhabitants and is now, and has been ever since February 16, 1903, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which said Charter was duly ratified by the qualified electors of said City of Watsonville at an election held for that purpose on the 30th day of August, 1902 and approved by the Legislature of the State of California on the 16th day of February, 1903.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Board of Aldermen of the City of Watsonville on its own motion duly made and entered on the minutes of said Board of Aldermen, on July 16, 1952, and approved by the Mayor of the said City on the said 16th day of July, 1952, and pursuant to Section 8 of Article XI of the Constitution of the State of California, duly proposed to the qualified electors of said city three (3) proposed amendments to the Charter of the City of Watsonville, said Charter amendments being designated Proposal C, Measure No. 2, Proposal D, Measure No. 3, and Proposal E, Measure No. 4, respectively; (also Proposal B, Measure No. 1.), filed in the office of the Clerk of said City of Watsonville on said 16th day of July, 1952, and further ordered that said Charter amendments and Proposal B, Measure No. 1, should be submitted to and voted upon by the qualified voters of said City at a special election called and held for that purpose in said City on November 4, 1952, and consolidated with the General State Election to be held on said November 4, 1952.

That said proposed Charter amendments and said Proposal B, Measure No. 1, and each of them, were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 10th day of September, 1952 in the Watsonville Register-Pajaronian and Sun, a daily newspaper of general circulation printed and published in said City of Watsonville, (it being the official news-

paper of said City), and in all the editions thereof issued during said day of publication.

That said Special Municipal Election was held in said City of Watsonville on November 4, 1952, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said Watsonville Register-Pajaronian and Sun; and

That thereafter, the Board of Supervisors of the County of Santa Cruz did in regular session canvass the vote thereon and report the result thereof to the Board of Aldermen; and

Pursuant thereto, the Board of Aldermen of the City of Watsonville did, by Resolution No. 4336, adopt the canvass made by the Board of Supervisors and did duly find, determine and declare the result of said special election to be that a majority of the qualified voters of said City had ratified by a majority of the electors of said City voting thereon, to-wit:

Charter amendment designated and numbered Proposal D, Measure No. 3, and Charter amendment designated and numbered Proposal E, Measure No. 4; and two other proposals submitted at said Special Municipal Election and consolidated with said General State Election, to-wit:

Proposal B, Measure No. 1, and proposed charter amendment designated as Proposal C, Measure No. 2, received less than a majority of the votes of the electors voting thereon and were not ratified; and

The City Clerk did enter on the record and in the minutes of said Board of Aldermen a statement of the result of said election.

That said amendments to the Charter of the City of Watsonville, so ratified by the electors of said City of Watsonville, are in words and figures as follows, to-wit:

Proposal D, Measure No. 3. Abolishes Wards and Nominates and Elects Aldermen at Large

Shall Article I, Sec. 7 of the Charter of the City of Watsonville be amended as follows:

"Sec. 7. The four wards of the City of Watsonville are hereby abolished, and wherever the word "ward" appears in said Charter, the same shall have no further force or effect, and Aldermen shall be nominated and elected by the qualified electors of the City at large." Wards

Proposal E, Measure No. 4.

Shall Article XI of the Charter of the City of Watsonville be amended by adding Sec. 4, as follows:

"Sec. 4. The provisions for the improvement of streets, alleys and lanes and the financing thereof as provided in Sections 1, 2 and 3, above set forth, shall not be the exclusive method of procedure, but the City of Watsonville may follow the general laws of the State of California now in effect or hereafter enacted Public improvements

and may also enact ordinances for the conducting of public improvement proceedings and the issuance of public improvement bonds."

That we have compared the foregoing amendments, and each of them, with the original proposals submitted to the electors of said City of Watsonville and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preambles of this Certificate preceding said amendments to said Charter are, and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Watsonville to be affixed hereto this 30th day of November, 1952.

P. B. MARINOVICH
(SEAL) Mayor of the City of Watsonville, State of California
F. J. O'BRIEN
City Clerk of the City of Watsonville, State of California

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Watsonville as presented to, and adopted, and ratified by the electors of said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of said City of Watsonville.

CHAPTER 11

Senate Concurrent Resolution No. 11—Relative to the death of the Honorable Jerrold L. Seawell.

[Filed with Secretary of State January 13, 1953]

Death of Jerrold L. Seawell

WHEREAS, The name of the Honorable Jerrold L. Seawell was stricken from the roll of living men on October 20, 1952; and

WHEREAS, The Honorable Jerrold L. Seawell was a native of the State of California, having been born in Colusa in 1897, attending school in Northern California and learning the blacksmithing trade and later becoming a locomotive engineer; and

WHEREAS, The Honorable Jerrold L. Seawell started his career as a public servant as a member of the Roseville School Board to which he was elected in 1927. The following year he was elected Assemblyman from his district which consisted at that time of the Counties of Lassen, Plumas, Sierra, Nevada and Placer; and

WHEREAS, After serving two years in the Assembly the Honorable Jerrold L. Seawell was elected in 1932 to the State Senate serving continuously therein until his election to the State Board of Equalization in 1946, during which time he served as President pro Tempore of the Senate for the sessions of 1939, 1943 and 1945. He served on the Board of Equalization from 1946 until the time of his death, having been re-elected in 1950; and

WHEREAS, The State Board of Equalization honored the Honorable Jerrold L. Seawell by electing him its chairman, which office he held until the time of his death; and

WHEREAS, The Honorable Jerrold L. Seawell, in addition to his distinguished record as a public servant was a genial and convivial individual with a host of friends, a member of the Brotherhood of Locomotive Firemen, the Order of the Eastern Star, Shrine, Eagles, Elks and Knights Templar; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature deeply regrets the passing of the Honorable Jerrold L. Seawell, and by this resolution expresses its deepest sympathy to the members of his family, and be it further

Resolved, That when the Legislature shall cease from its labors on this day, it shall do so in honor of the memory of the Honorable Jerrold L. Seawell, and be it further

Resolved, That the Secretary of the Senate be and he is hereby requested to forward suitably prepared copies of this resolution to the members of the bereaved family of the Honorable Jerrold L. Seawell.

CHAPTER 12

Assembly Concurrent Resolution No. 1—Relative to the death of Ernest C. Crowley.

[Filed with Secretary of State January 13, 1953]

Death of Ernest C. Crowley

WHEREAS, One of the most important figures in California political life passed away on September 22, 1952, when Assemblyman Ernest C. Crowley died of a heart attack in Fairfield Hospital; and

WHEREAS, Ernest C. Crowley was made totally blind at the age of 12, as the result of a hunting accident in the tules along Suisun Channel, but overcoming his handicap, continued his education by attending the University of California, from which he graduated in 1921 with a degree in law, and later went on to

obtain a degree of doctor of jurisprudence from that school in 1923; and

WHEREAS, He later rose to be Dean of the State Assembly, of which he was a member for more than 24 years, serving with distinction as the Chairman of the Assembly Constitutional Amendments Committee, as a member of the powerful Ways and Means Committee, the Committee on Water Pollution, and on both the Interim and Standing Judiciary Committees; and

WHEREAS, He was noted for his work in the development of many welfare bills and was credited with making it possible for persons living in federal housing projects to vote, a franchise forbidden by law prior to his intervention; and

WHEREAS, He received citations from the Disabled Veterans and the California Highway Patrol for his interest in veterans' affairs and his support of all legislation in the interest of highway safety; and

WHEREAS, The loss of Ernest C. Crowley will be mourned by the thousands of persons who knew him and loved him but we can be assured that his acts, deeds and accomplishments will be forever in the memory of those he has left behind; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature take this means of according recognition to the outstanding career of Ernest C. Crowley, and extend to his surviving family their profound sympathy; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Mrs. Georgia Crowley, widow of Ernest C. Crowley, to his two daughters, Georgia Harvell and Paula Foft, to his sister, Mary Palmer, and to his half brother, Clemence McGinty.

CHAPTER 13

Senate Concurrent Resolution No. 9—Relative to approving an amendment to the charter of the County of Sacramento, State of California, voted for and ratified by the qualified electors of said county at an election held therein on the fourth day of November, 1952.

[Filed with Secretary of State January 14, 1953]

County of Sacramento: Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the charter of the County of Sacramento, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and county clerk of the said county as follows, to wit:

CERTIFICATE OF FACTS

WHEREAS, The County of Sacramento at all times herein mentioned has been and now is a body politic of the State of Cali-

fornia, and is now and has been since the 1st day of July, 1933, organized and acting under and by virtue of a Charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 27th day of April, 1933, and subsequently approved by the Legislature of the State of California, and filed with the Secretary of State of the State of California, on the 11th day of May, 1933; and

WHEREAS, The Board of Supervisors of said County, pursuant to the provisions of Section 7½ of Article XI of said Constitution, did by Resolutions adopted the 25th day of August, 1952, duly propose to qualified electors of said County of Sacramento amendments to the Charter of said County, designated as proposed County Charter Amendments A, B, C, D and E, and ordered that said proposed amendments be submitted to the said qualified electors of said County at the general state election to be held on the 4th day of November, 1952; and

WHEREAS, Said amendments so proposed were published ten times, to wit: Beginning September 9, 1952, and ending September 19, 1952, inclusive, proposed amendments A, C and D having been duly published in the Sacramento Bee, a daily newspaper of general circulation in said County, printed, published and circulated in said County of Sacramento, and proposals B and E having been duly published in the Sacramento Union, a daily newspaper of general circulation in said County printed, published and circulated in said County of Sacramento; and

WHEREAS, The Board of Supervisors of said County of Sacramento, did, in the manner provided by law, duly and regularly canvass the returns of said election, and, on the 24th day of November, 1952, did duly declare the result of said general state election, as determined from the canvass of the returns thereof; and

WHEREAS, At said general state election held on the 4th day of November, 1952, said proposed County Charter Amendments A, B, C, D and E were ratified by a majority of the electors of said County voting thereon; and

WHEREAS, Said Charter amendments, so ratified by the electors of said County of Sacramento, are now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and are in the words and figures as follows:

PROPOSED COUNTY CHARTER AMENDMENT A

That the Charter of said County of Sacramento be amended by amending Section 15 (h) of Article V of said Charter relating to the letting of contracts for public works, to read as follows:

Public works contracts

Section 15 (h). To let all contracts for public works in accordance with the laws of the State of California. If the cost of such work is $2000.00 or less, the Board may receive estimates or bids from at least three responsible bidders of the cost of such work. If any such bid be less than $2000.00, the Board may thereupon let a contract for such work to the lowest responsible bidder, or reject all bids. Work shall not be subdivided into parcels for the purpose of receiving bids under this provision.

PROPOSED COUNTY CHARTER AMENDMENT B

That the Charter of said County of Sacramento be amended by amending Section 45-A, subdivision (2) of Article IX of said Charter relating to the compensation of the Civil Service Commissioners, to read as follows:

Salary of commissioner

Section 45-A, subdivision (2). Each Commissioner shall receive a compensation of fifteen ($15.00) dollars for each meeting of the Commission, not to exceed three meetings in any calendar month. The Commission shall appoint a Chief Examiner, and such other employees as it may deem necessary, subject to the approval of the County Executive. The Chief Examiner shall act as Secretary.

PROPOSED COUNTY CHARTER AMENDMENT C

That the Charter of said County of Sacramento be amended by amending Section 79 of Article XVIII relating to the compensation of officers and employees, to read as follows:

Compensation

Section 79. Compensation in Full for Services. The compensation provided to be paid to any elective or appointive county or township offices, boards or commissions or employments shall, when so paid, be in full for all services rendered, and they shall accept no compensation for services for other public employment. Nothing herein contained shall apply to persons employed on a temporary or part time basis.

PROPOSED COUNTY CHARTER AMENDMENT D

That the Charter of said County of Sacramento be amended by amending Section 78 of Article XVIII relating to the performance of duties by officers and employees, to read as follows:

County employment

Section 78. All persons holding any office or employment under the County of Sacramento, whether elective or appointive, except members of the Board of Supervisors, shall be required to engage in the active work of the office or employment so held to the extent that their services may be necessary for the full and complete discharge of the duties of such office or employment.

PROPOSED COUNTY CHARTER AMENDMENT E

That the Charter of said County of Sacramento be amended by amending Section 10 of Article IV of said Charter relating

to the compensation of members of the Board of Supervisors, to read as follows:

Section 10. Supervisors shall receive such compensation as may be provided by the State Legislature plus mileage to and from the place of meeting payable monthly from the County Treasury.

STATE OF CALIFORNIA }
County of Sacramento } ss

We, the undersigned, James R. Garlick, Chairman of the Board of Supervisors of the County of Sacramento, State of California, and C. C. LaRue, County Clerk and ex-officio Clerk of the Board of Supervisors of said County of Sacramento, so hereby certify: Certificate

That the foregoing proposed and ratified amendments to the Charter of said County of Sacramento, submitted to the electors of said County at the general state election held on said 4th day of November, 1952, have been compared by us, and each of us, with the proposed amendments set forth in the said Resolutions adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of Sacramento this 8th day of December, 1952.

JAS. R. GARLICK
(SEAL) Chairman of the Board of Supervisors of Sacramento County, California.
C. C. LARUE
County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Sacramento, State of California.

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendment to the charter of the County of Sacramento, as presented to, and adopted, and ratified, by the electors of said county and as hereinbefore fully set forth, be, and the same is hereby approved as a whole, without amendment or altera- Approval

tion, for and as an amendment to, and as a part of, the charter of said County of Sacramento.

CHAPTER 14

Assembly Concurrent Resolution No. 4—Relative to the selection of the Legislative Counsel of California.

[Filed with Secretary of State January 14, 1953]

Legislative Counsel Ralph N Kleps

Resolved by the Assembly of the State of California, the Senate thereof concurring, That pursuant to Section 10201 of the Government Code, Ralph N. Kleps is selected Legislative Counsel of California.

CHAPTER 15

Assembly Concurrent Resolution No. 5—Relative to the election of Adolfo Ruiz Cortines as President of Mexico.

[Filed with Secretary of State January 14, 1953]

President of Mexico

WHEREAS, The presence in Mexico City of Governor Earl Warren at the inauguration of President Adolfo Ruiz Cortines symbolizes the esteem and friendship with which our two nations regard each other and the increasing intimacy between California and Mexico in the solution of mutual problems; and

WHEREAS, This warm relationship between republics of different tongues and cultures is a proud and splendid example to the world of the decency and dignity that democracy makes possible; and

WHEREAS, Under the administration of Miguel Alemán, Mexico's first civilian president in 35 years, many economic, social and democratic gains were made and they will be strengthened and consolidated under President Adolfo Ruiz Cortines to the benefit of democracy everywhere, for the strengthening of democracy and social justice in one nation makes it that much stronger throughout the world; and

WHEREAS, An excellent relationship is enjoyed by our two republics which is evident by the fact that many thousands of Americans of Mexican descent have struck firm roots in our community life; and

WHEREAS, It is the very essence of Americanism that though we have welcomed them as citizens we have not demanded that they relinquish their cultural traditions, for it is the distinctiveness of each American group that contributes so greatly to the richness and variety of our national life; and

WHEREAS, The new President of Mexico may be assured that this happy relation between our two countries and California and Mexico, will continue; and

WHEREAS, Our mutual friendship, good will, and cooperation are the fruit of our common purpose, which is to extend democracy among ourselves and, by our example, hearten others who would achieve it; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California on behalf of the people of California extend the heartiest congratulations and best wishes to Mexico on the election of its new president; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to President Adolfo Ruiz Cortines and retiring President Miguel Alemán of Mexico.

CHAPTER 16

Assembly Concurrent Resolution No. 6—Relative to the elevation of Archbishop J. Francis A. McIntyre to the Sacred College of Cardinals of the Roman Catholic Church.

[Filed with Secretary of State January 14, 1953]

Cardinal McIntyre

WHEREAS, His Excellency, the Most Reverend J. Francis A. McIntyre, Archbishop of Los Angeles, has been appointed to the Sacred College of Cardinals of the Roman Catholic Church, by His Holiness, Pope Pius XII; and

WHEREAS, This appointment is of historic significance to California and to the entire West in that Archbishop McIntyre becomes the first cardinal in the history of the Roman Catholic Church in America to be chosen from a see west of St. Louis, and, therefore, this appointment recognizes the importance of the Pacific Coast region in world affairs; and

WHEREAS, As stated by His Eminence, James Francis Cardinal-Designate McIntyre: "The recognition of the Pacific Coast in the Sacred College of Cardinals brings into the focus of the world the deeply religious and American spirit of California"; and

WHEREAS, The appointment recognizes the important contributions Cardinal-Designate McIntyre has made to his church and to the people of California during his administration as Archbishop of Los Angeles; and

WHEREAS, Cardinal-Designate McIntyre has served as Chancellor of the New York Diocese, Titular Bishop of Cyrene and Auxiliary Bishop of New York, Archbishop of the titular see of Paltus and Coadjutor Archbishop to His Eminence, Francis Cardinal Spellman of New York, and on March 19, 1948, became the Archbishop of Los Angeles; and

WHEREAS, During his distinguished service in these positions he has shown himself to be a great religious leader and administrator, and by his understanding, wisdom, and devotion to civic and religious duty, and his simplicity and unaffected humility, has won the affection of both Catholics and non-Catholics; and

WHEREAS, During his administration as Archbishop of Los Angeles, one of the fastest growing regions in the world, he has effectively met the challenge of a flood-tide migration, in that he has provided for the spiritual needs of the members of his church by the erection of 25 new parishes, and for the educational needs of the youth of Los Angeles by the construction of 82 new schools, and in addition has caused a proportionate expansion in charity and welfare works; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California extends its congratulations to His Eminence, James Francis Cardinal-Designate McIntyre, Archbishop of Los Angeles, on his elevation to the Sacred College of Cardinals of the Roman Catholic Church; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to have prepared a suitably engrossed copy of this resolution, and to transmit the same to His Eminence, James Francis Cardinal-Designate McIntyre. Archbishop of Los Angeles.

CHAPTER 17

Assembly Concurrent Resolution No. 7—Relative to the death of E. Walton Hedges, former Member of the Assembly.

[Filed with Secretary of State January 14, 1953]

Death of E. Walton Hedges

WHEREAS, The Members of this Legislature and his many other friends throughout the State have been immeasurably saddened by the death on November 18, 1952, after a lengthy illness of E. Walton Hedges, former Member of the Assembly; and

WHEREAS, As we summon remembrance of E. Walton Hedges, we measure our loss by the measure of energy and wisdom he brought to the many civic activities into which he entered; and

WHEREAS, He was born in Castine, Maine, in 1900, coming first to the State of California in 1903 and later permanently establishing residence in the State in 1912; and

WHEREAS, He was the grandson of the late Charles C. Butler, pioneer San Francisco financier and scion of a family which has contributed much to the welfare of this State; and

WHEREAS, As a Member of the Assembly from 1927 to 1929, he exercised wisdom and leadership, and served faithfully and well the people of the State of California and his constituents of San Benito and Santa Cruz Counties; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature express their regret and personal sorrow at the loss of so able a citizen and public servant; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to his mother, Leila Butler Hedges, his wife, Virginia Hedges, his son, E. Walton

Hedges III, and his daughter, Leila Hedges Pearson, as an expression of the heartfelt sympathy of all Members of the Legislature of California.

CHAPTER 18

Assembly Concurrent Resolution No. 11—Relative to the death of Roy Fellom.

[Filed with Secretary of State January 14, 1953]

Death of Roy Fellom

WHEREAS, The Members of the Assembly and the Senate have received with the deepest regret news of the untimely passing on September 25, 1952, of the Honorable Roy Fellom, former State Senator from San Francisco; and

WHEREAS, Mr. Fellom was 67 years of age, born in San Diego, California, later moving therefrom to San Francisco; and

WHEREAS, Mr. Fellom was a well-known newspaperman, working on papers both in California and Nevada until his election to the State Senate in 1920; and

WHEREAS, He served in the Upper House for 10 years, introducing many fine bills, among which were the Toll Bridge Authority Act, providing for the financing of new bridges on a toll basis, and the first State Unemployment Relief Act; and

WHEREAS, In recent years, he was the publisher of the Pacific Factory and the Pacific Roadbuilder and Engineer Review, two San Francisco trade publications; and

WHEREAS, Mr. Fellom has done much to insure the progress and prosperity of this State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California express their grief at the passing of the Honorable Roy Fellom and desire by this resolution to pay tribute to his excellent qualities and to convey to his bereaved family their sympathy in this great loss; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Mrs. Leonie Fellom, widow of Roy Fellom, to his two sons, Roy, Jr., and Neal Fellom, and to his daughter, Mrs. Walter Smith.

CHAPTER 19

Assembly Concurrent Resolution No. 12—Relative to the death of Patrick J. McMurray.

[Filed with Secretary of State January 14, 1953]

Death of Patrick J McMurray

WHEREAS, The Members of the Legislature are deeply grieved to learn of the death of one of their former members, Honorable Patrick J. McMurray from San Francisco; and

WHEREAS, One of 12 children, he was born in San Francisco in 1882, growing up in the neighborhood of Gough and Market Streets, which was known at that time as "Irish Town"; and

WHEREAS, He served three terms as Assemblyman from the Twenty-fourth District in the State Legislature, after which he was elected to the Board of Supervisors of the City and County of San Francisco in 1946; and

WHEREAS, His friends knew him as "a down-to-earth individual, extremely likable," and they recall his ready wit and Irish humor that made him one of the most likable members both of the Legislature and of the board of supervisors; and

WHEREAS, Mayor Elmer E. Robinson termed him as "a deeply cherished friend" of the people of San Francisco, and went on to say that "In every sense of the term, Pat was one of the people. He never forgot, or ignored the needs of the people and never at any time would he espouse any cause for the sake of petty political advantage"; and

WHEREAS, With the passing of Patrick J. McMurray, the people of the State of California, as well as those of San Francisco, have lost a true friend and a staunch advocate; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature extend their sincere condolences to the family of Patrick J. McMurray; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Mrs. Belle McMurray, widow of Patrick J. McMurray, to his son Bert McMurray, to his daughter Marie McMurray, and to his two sisters, Mrs. George Muchey and Mrs. Harry Konold.

CHAPTER 20

Senate Concurrent Resolution No. 1—Relative to Joint Rules of the Senate and Assembly.

[Filed with Secretary of State January 15, 1953]

Joint Rules

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the following Rules be adopted as the Joint Rules of the Senate and Assembly for the 1953 Regular Session of the California Legislature.

JOINT RULES OF THE SENATE AND ASSEMBLY

COMMITTEES AND COMMITTEE MEETINGS

Standing Committees

Standing committees

1. Each house shall appoint such standing committees as the business of the house may require, the committees, the number

of members and the manner of selection to be determined by the Rules of each house.

Joint Committees

2. The Rules Committees of each house shall constitute the Joint Standing Committee on Joint Rules of the Senate and the Assembly. Joint committees

Joint Meeting of Committees

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill. Joint meeting of committees

Effect of Adoption of Joint Rules

3.5. The adoption of the Joint Rules for any budget session or extraordinary session shall not be construed as modifying or rescinding the Joint Rules of the Senate and Assembly for any previous session, nor as affecting in any way the status or powers of the interim committees created by those rules. Effect of adoption of Joint Rules

Bills and Resolutions

Definition of Word Bill

4. Whenever the word "bill" is used in these Rules, it shall include constitutional amendments, concurrent and joint resolutions. "Bill"

Concurrent and Joint Resolutions

5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature. Concurrent and joint resolutions

Joint resolutions are those which relate to matters connected with the Federal Government.

Resolutions Treated as Bills

6. Constitutional amendments, concurrent and joint resolutions shall be treated in all respects as bills; except that they shall be given only one formal reading in each house and that they shall not be deemed bills within the meaning of Section 2 of Article IV of the Constitution, and shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction, and except as provided in Rule 24. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon. Resolutions treated as bills

PREPARATION AND INTRODUCTION OF BILLS

Title of Bill

Title

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

Division of Bill Into Sections

Sections

8. A bill amending more than one section of an existing law shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

Restrictions As to Amendments

Amendments

9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment or resolution under consideration.

Changes in Existing Law to Be Marked by Author

Marking of changes

10. In a bill amending a code section or a general law, any new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as "strikeout" type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in "strikeout" type.

In any amendment to a bill which sets out for the first time a section being amended, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended were a part of the original bill and was being printed for the first time.

Printing of Amendments

Printing of amendments

11. All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in strikeout type. When a bill is amended in either house, the first or previous markings shall be omitted.

Printing and Distribution of Bills—
Manner of Printing Bills

12. The State Printer shall observe the following directions in printing all bills, constitutional amendments, concurrent and joint resolutions: Printing of bills

(a) The body of such bills shall be printed in solid unspaced form in 10-point roman type so that the same type shall be used both before and after enrollment. Concurrent resolutions approving city or county charters or amendments thereto may be set in smaller type.

(b) All titles of bills shall be set in italics, statute form and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only.

Distribution of Legislative Publications

13. All requests for mailing or distribution of bills and legislative publications shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Except as otherwise provided by either the Assembly or Senate, each Member of the Senate and Assembly shall be permitted to submit a list of 10 organizations or individuals. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of bills and legislative publications to supply this list together with such number as may be necessary for legislative requirements. Distribution of publications

Except as hereinabove provided, no complete list of bills shall be delivered except upon payment therefor of the sum of one hundred fifty dollars ($150) at a General Session or twenty-five dollars ($25) at a Budget Session, nor shall more than two copies of bills or other legislative publications be distributed free to any person, office or organization except to Members of the Legislature, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's Office; Secretary of State's Office; Controller's Office; Governor's Office; the Clerk of the Supreme Court; the clerk of the district court of appeal for each district; the Judicial Council; the State Library; the Library of Congress and to libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, including postage, and such moneys as may be received by him shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through

the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall be not more than 2,500.

OTHER LEGISLATIVE PRINTING

Printing of the Daily Journal

Daily Journal

14. The State Printer shall print in such quantity as directed by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the Journal of each day's proceedings of each house. At the end of the session he shall also print, as directed by the Secretary of the Senate and the Chief Clerk of the Assembly a sufficient number of copies properly paged after being corrected and indexed by the Secretary of the Senate and the Chief Clerk of the Assembly, to bind in book form as the Journal of the respective houses of the Legislature.

What Shall Be Printed in the Journal

Same: Contents

15. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a Committee of the Whole.

Printing of the Daily File

Daily File

16. A daily File of bills ready for consideration shall be printed each legislative day for each house.

The material to be printed in the File and the form and arrangement shall be determined by the respective houses.

Printing of History

Histories

17. Each house shall cause to be printed, once each week, during the session, a complete History of all bills, constitutional amendments, concurrent, joint and house resolutions originating in or acted upon by the respective houses. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such History shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a Supplementary History showing the action taken upon any measure since the issuance of the complete History.

Immediately following the adjournment for the constitutional recess, the History shall be compiled and printed to date of recess by the Secretary of the Senate and the Chief Clerk of the Assembly.

Authority for Printing Orders

Printing orders

18. The State Printer shall not print for use of either house nor charge to legislative printing any matter other than provided by law or by the Rules, except upon a written order signed by the Secretary of the Senate or the Chief Clerk of the Assembly. The Secretary of the Senate and the Chief Clerk of the Assembly may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

The Secretary of the Senate and the Chief Clerk of the Assembly are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the Rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within 30 days after the completion of said printing.

Record of Bills

Secretary and Chief Clerk to Keep Records

Record of bills

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill.

Secretary and Chief Clerk Shall Endorse Bills

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall endorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning such bill.

Action in One House on Bill Transmitted From the Other

After a Bill Has Been Passed by the Senate or Assembly

Bills from other house

21. When a bill has been passed by either house it shall be transmitted promptly to the other unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house.

The procedure of referring bills to committees shall be determined by the respective houses.

Messages to Be in Writing Under Proper Signatures

Messages

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the

Senate or the Chief Clerk of the Assembly from which such message is to be conveyed. A receipt shall be taken from the officer to whom such message is delivered.

PASSAGE AND ENROLLING OF BILLS

Passage of Bills Preceding Final Adjournment

Passage preceding final adjournment

23. No Senate bill shall be passed by the Senate and no Assembly bill shall be passed by the Assembly within 10 days prior to the adjournment sine die of the two houses of the Legislature at a general session or within one day prior to the adjournment sine die of the two houses of the Legislature at a budget session, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the Committee on Rules (if it be a Senate bill) or by the Speaker of the Assembly (if it be an Assembly bill).

Enrollment of Bill After Passage

Enrollment

24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the Engrossing and Enrolling Clerk and the proper committee of the house where it originated to determine that it is in the form approved by the houses. The enrolled bill shall thereupon be signed by the presiding officers of both houses and the Secretary of the Senate and Chief Clerk of the Assembly and presented without delay to the Governor. The committee shall report the time of presentation of the bill to the Governor to the house and the record shall be entered in the Journal. After enrollment and signature by the officers of the Legislature, constitutional amendments, concurrent and joint resolutions shall be filed without delay in the office of the Secretary of State and the time of filing shall be reported to the house and the record entered in the Journal.

AMENDMENTS AND CONFERENCES

Amendments to Amended Bills Must Be Attached

Amendments

25. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Two copies of such amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "adopted" and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be endorsed "concurred in," and such endorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly as the case may be; provided, however, that an

amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

To Concur or Refuse to Concur in Amendments

Concurrence in amendments

26. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

Concurring in Amendments Adding Urgency Section

Same: Urgency section

27. When a bill which has been passed in one house is amended in the other by the addition of a section providing that the act shall take effect immediately as an urgency measure, and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall concur in the amendment or amendments shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, concurrence in the amendments shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to concur in the amendment or amendments, and the procedure thereupon shall be as provided in Joint Rule No. 28.

When Senate or Assembly Refuse to Concur

Conference committees

28. If the Senate or the Assembly refuse to concur in the amendments, the Committee on Rules (if it be a Senate bill) or the Speaker of the Assembly (if it be an Assembly bill) shall appoint a Committee of Three (3) on Conference and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on the Conference Committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the Assembly and the chairman thus selected

shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The Committee on Conference shall report to both the Senate and the Assembly.

Report of Committee on Conference

Same Report

29. The report of the Committee on Conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed; provided, however, that no more than three different Conference Committees shall be appointed on any one bill.

It shall require the affirmative vote of not less than two of the Senate members and two of the Assembly members constituting the committee to agree upon a report. No member who has served on a Committee on Conference shall be appointed a member of another Committee on Conference on the same bill.

When Conference Committee Report Is in Order

Same

30. The presentation of the report of a Committee on Conference shall always be in order, except when a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

30.5. When the report of a committee on conference recommends the amendment of a bill by the addition of a section providing that the act shall take effect immediately as an urgency measure, the procedure and the vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall adopt the report of the Committee on Conference shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, the adoption of the report and the amendments proposed thereby shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to adopt the report of the Committee on Conference.

Miscellaneous Provisions

Authority When Rules Do Not Govern

Mason's Manual

31. All relations between the houses which are not covered by these Rules shall be governed by Mason's Manual.

Press Rules

Press rules

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Speaker of the

Assembly, as required by Rule 24 of Assembly Rules, and to the Committee on Rules of the Senate, as required by Rule 13 of Senate Rules; and shall state in writing the names of the daily newspapers or news associations by which they are employed, and what other occupation or employment they may have, if any; and they shall further declare that they are not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation or association, and will not become so employed while retaining the privileges of accredited press representatives.

(b) The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the standing committee of the Capitol Correspondents Association which shall see that occupation of seats and desks in the Senate and the Assembly Chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, or who represent news associations requiring daily telegraphic or radio service on legislative news. It shall be the duty of the standing committee at their discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending action thereon the offending correspondent may be suspended by the standing committee.

(c) Persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to newspaper associations requiring telegraphic service shall not be entitled to the privileges accorded accredited press representatives; and the press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents.

(d) The press seats and desks in the Senate and Assembly Chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the Press Room. The Press Room shall be under the control of the Chief of the Bureau of Buildings and Grounds; provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

Dispensing With Joint Rules

Dispensing with rules

33. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and Joint Rule No. 23 can be dispensed with only in the manner provided for in said joint rule. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same man-

ner as in the case of the violation of the Rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in Conference Committee.

Opinions of Legislative Counsel

Legislative Counsel opinions

34. Whenever the Legislative Council issues an opinion to any person other than the first named author analyzing the constitutionality, operation or effect of a pending bill or other legislative measure, he is authorized and instructed to deliver two copies of the opinion to the first named author as promptly as feasible after the delivery of the original opinion and also to deliver a copy to any other author of the bill or measure who so requests.

Expense of Members

Expenses of members

35. As provided in Section 23b of Article IV of the Constitution, each Member of the Legislature is allowed and reimbursed as the expenses necessarily incurred by him while attending regular and special and extraordinary sessions of the Legislature (including any recess of three days or less) an allowance authorized for other elected state officers at the time the expense is incurred.

Expense allowances for Members of the Senate and Assembly shall be approved and certified to the Controller by the Secretary of the Senate or the Chief Clerk of the Assembly respectively, weekly or as otherwise directed by either house, and upon certification by the Secretary or the Chief Clerk the Controller shall draw his warrants in payment of the allowances to the respective members.

Investigating Committees

Investigating committees

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution or statute provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of the subject concerning which it is to act and may authorize it to act either during sessions of the Legislature or, when such authorization may lawfully be made, after final adjournment.

In the exercise of the power granted by this rule, each committee may appoint a secretary and adopt and amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. It may

employ such clerical, legal and technical assistants as may appear necessary.

Each such committee is authorized and empowered to summon and subpena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of such committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4, Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant-at-Arms of the Senate or Assembly, or such other person as may be designated by the chairman of the committee, shall serve any and all subpenas, orders and other process that may be issued by the committee, when directed to do so by the chairman or by a majority of the membership of the committee.

Every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this State, shall give and furnish to these committees and to their subcommittees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created.

Each such committee may meet at any time during the period in which it is authorized to act, even though the Legislature is in session, either, at the State Capitol or at any other place in the State of California, in public or executive session, and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it or to accomplish the objects and purposes of the resolution creating it. Each such committee may expend such money as may be made available to it for such purpose; but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Members shall not be entitled to any salary because of membership on any such committee but shall be allowed mileage at the rate of ten cents ($0.10) per mile each way incurred in connection with their services upon the committee and actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals, an allowance of fifteen dollars ($15) per day. No expenses for accommodations or meals or any allowance in lieu thereof shall be allowed for a day when the member is entitled to reimbursement for expenses under Joint Rule No. 35. The chairman of each committee shall audit and approve the expense claims of

the members of the committee and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman.

The chairman of any such committee may appoint subcommittees and chairman thereof for the purpose of more expeditiously handling and considering matters referred to it, and such subcommittees and the chairman thereof shall have all the powers and authority herein conferred upon the committee and its chairman. The chairman of such subcommittee shall audit the expense claims of the members of such subcommittees and other claims and the expenses incurred by it and shall certify the amount thereof to the chairman of the committee who shall, if he approves the same, certify the amount thereof to the Controller, and the Controller shall draw his warrant therefor upon such certification, and the Treasurer shall pay the same. Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties, then such committee or subcommittee shall, while out of the State, have the same authority as if it were acting and functioning within the State, and the members thereof shall be entitled to receive the same expense allowances as if the committee were functioning within the State

Notwithstanding any provision of this rule, if the standing rules of either house require that expense claims of members of committees be audited or approved, after approval of the committee chairman, by another agency of either house, the Controller shall draw his warrants only upon the certification of such other agency.

Except salary claims of employees clearly subject to federal withheld tax and the requirement as to loyalty oaths, claims presented for services or pursuant to contract shall refer to the agreement, the terms of which shall be made available to the Controller.

Expenses of employees

36.1. Unless otherwise provided by respective house or committee rule or resolution, employees of legislative committees shall, when entitled to traveling expenses, be entitled to allowances in lieu of actual expenses for hotel accommodations, breakfast, lunch, and dinner, at the rates fixed by the Board of Control from time to time in limitation of reimbursement of expenses of state employees generally; provided, that if an allowance for hotel accommodations, breakfast, lunch and dinner is made by a committee at a rate in excess of those fixed by the Board of Control the chairman of the committee shall notify the Controller of that fact in writing.

Legislative Budget Committee

Legislative Budget Committee

37. In addition to any other committee provided for by these rules, there shall be a joint committee to be known and called the Legislative Budget Committee, which is hereby declared to be a continuing body.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the State Budget, the revenues and expenditures of the State, and of the organization and functions of the State, its departments, subdivisions and agencies, with a view of reducing the cost of the State Government, and securing greater efficiency and economy.

The committee shall consist of five Members of the Senate and five Members of the Assembly. The Senate members of the committee shall be the President pro Tempore of the Senate and four members appointed by the Committee on Rules. The Assembly members of the committee shall consist of the Speaker and four other Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

Any vacancies occurring between general sessions, in the Senate membership of the Legislative Budget Committee, shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he is not re-elected at the general election.

Any vacancies occurring between general sessions, in the Assembly membership of the Legislative Budget Committee, shall be filled by the Speaker of the Assembly, and the Members of the Assembly appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Member of the Assembly whose term is expiring whenever he is not re-elected at the general election.

Any vacancy occurring at any time in the Assembly membership of the committee shall be filled by appointment by the Speaker.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the expressed terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The Legislative Budget Committee may render services to any investigating committee of the Legislature pursuant to contract between the Legislative Budget Committee and the committee for which the services are to be performed. The contract may provide for payment to the Legislative Budget Committee of the cost of such services from the funds appropriated to the contracting investigating committee. All legislative investigating committees are authorized to enter such contracts with the Legislative Budget Committee. Money

received by the Legislative Budget Committee pursuant to any such agreement shall be in augmentation of the current appropriation for the support of the Legislative Budget Committee.

The provisions of Joint Rule 36 above shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or in Article IV, Section 37, of the Constitution.

The committee shall have authority to appoint a Legislative Auditor, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The duties of the Legislative Auditor shall be as follows:

(1) To ascertain the facts and make recommendations to the Budget Committee and under their direction to the committees of the Legislature concerning:

(a) State Budget.

(b) Revenues and expenditures of the State.

(c) The organization and functions of the State, its departments, subdivisions and agencies.

(2) To assist the Senate Finance Committee and the Assembly Ways and Means Committee in consideration of the budget and all bills carrying express or implied appropriations and all legislation affecting state departments and their efficiency; to appear before any other legislative committee, and to assist any other legislative committees upon instruction by the Legislative Budget Committee.

(3) To provide all legislative committees and Members of the Legislature with information obtained under the direction of the Legislative Budget Committee.

(4) To maintain a record of all work performed by the Legislative Auditor under the direction of the Legislative Budget Committee and to keep and make available all documents, data and reports submitted to him by any Senate, Assembly or joint committee. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The members of the committee shall serve without compensation but shall be entitled to actual and necessary expenses including expenses for living accommodations and meals incurred in connection with their services on the committee, or in lieu of such expenses for accommodations and meals they shall be entitled to the same allowance as members of other committees authorized to function after adjournment. The chairman of the committee, or in the event of his inability to act, the vice chairman shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman, and the Treas-

urer shall pay the same to the chairman of the committee to be disbursed by him.

On and after the commencement of a succeeding general session those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel and staff, and all funds theretofore made available for its use.

Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Auditor for use and custody, available to the Members of the Legislature, all documents, data, reports and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly, Senate, or the Legislature, as the case may be.

The Legislative Auditor with the consent of the committee shall make available to such members or committees any records, documents or other data under his control or shall secure and provide any information falling within the scope of his employment or which concerns the administration of the government of the State of California. But, except as hereinabove provided, neither the Legislative Auditor or any employee of the committee shall reveal to any person not a member of or employed by the committee the contents or nature of any matter or the author of any request, except with the permission of the committee or legislator making such request, or under the express direction of the Legislative Budget Committee.

The Legislative Auditor upon the receipt of a request from any committee or Member of the Legislature, shall at once secure the consent of the committee without disclosing the nature of the request or the name of the requestor to provide the requesting committee or legislator with the service or information requested, and thereupon shall notify the requestor or committee or legislator that he is authorized to provide the information, and shall inform the committee or legislator the approximate date when this information will be available. Should there be any material delay he shall subsequently communicate this fact to the requestor. In the event the committee refuses such authorization, he shall inform such requestor forthwith.

37.5. In addition to the duties hereinabove prescribed the Legislative Auditor is directed, so long as he is designated to be "clerk" or "secretary" pursuant to Section 9900(d) of the Government Code, to assign one or more members of his staff to carry out the filing duties imposed by Sections 9900 through 9907 of the Government Code, but he shall undertake no duties which are not specifically authorized by the joint rules, by contracts entered into pursuant to such rules, or by direction of the Legislative Budget Committee.

Adjournment

Adjournment

38. Adjournment for the constitutional recess and adjournment sine die shall be made only by concurrent resolution.

Designating Legislative Sessions

Designation of sessions

39. Hereafter all regular sessions of the Legislature shall be designated by the year in which held, and all extraordinary sessions shall be designated in numerical order by the year in which convened.

Joint Committee on Interhouse Cooperation

Joint Committee on Interhouse Cooperation

40. The Joint Committee on Interhouse Cooperation is hereby created. It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof, concerning the relationship between the two houses and procedures calculated to expedite the affairs of the Legislature by improving that relationship.

Any matter of business of either house, the transaction of which would affect the interests of the other house, may be referred to the committee for action if the Legislature is in session, and shall be referred to the committee for action if the Legislature is not in session.

The committee has a continuing existence and may meet, act, and conduct its business at any place within the State, during sessions of the Legislature or any recess thereof, and in the interim period between sessions.

The committee shall consist of five Members of the Senate and five Members of the Assembly. The Senate membership shall consist of the President pro Tempore of the Senate, and four members appointed by the Committee on Rules. The Assembly members of the committee shall consist of the Speaker, the Chairman of the Assembly Committee on Rules and the three other Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

Any vacancies occurring between sessions in the Senate membership of the committee shall be filled by the Senate Committee on Rules. Vacancies occurring in the Assembly membership shall be filled by appointment by the Speaker.

The committee shall have authority to make rules to govern its own proceedings. It may also create subcommittees from its membership and assign to such subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold.

The provisions of Joint Rule 36 shall apply to the committee, and it shall have all the authority provided in such rule or in Article IV, Section 37 of the Constitution.

CHAPTER 21

Assembly Concurrent Resolution No. 19—Approving the charter amendment to the charter of the City of Compton, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of November, 1952.

[Filed with Secretary of State January 16, 1953]

WHEREAS, The City of Compton, in the County of Los Angeles, State of California, contains a population in excess of 3,500 inhabitants, and has been ever since the year 1948 and now is organized and acting under a charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at a special municipal election held for that purpose on the third day of December, 1947, and approved by the Legislature of the State of California (Statutes 1948, page 236), and by resolution of said Legislature filed with the Secretary of State of the State of California, the eleventh day of March, 1948 (Statutes 1948, page 236); and City of Compton. Charter amendment

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendment to the charter of the City of Compton, as set out in the certificate of the mayor and the city clerk of said City of Compton, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF COMPTON AT A SPECIAL MUNICIPAL ELECTION HELD ON THE 4TH DAY OF NOVEMBER, ONE THOUSAND NINE HUNDRED AND FIFTY-TWO, OF A CERTAIN AMENDMENT TO THE CHARTER OF THE CITY OF COMPTON, STATE OF CALIFORNIA.

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF COMPTON

We, Harry T. Laugharn, Mayor of the City of Compton, and Mrs. Clyde J. Harlan, City Clerk of the City of Compton, do hereby certify as follows: Certificate

That the said City of Compton, in the County of Los Angeles, State of California, is now and was at all the times herein mentioned, a City containing more than Fifty Thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Compton is now and was at all times herein mentioned organized and existing under a Charter, adopted under the provisions of Section Eight, Article Eleven of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at a special municipal election held therein on the 3rd day of December, 1947, and approved by the Legislature of the State of California

(Statutes of 1948, page 236); and by resolution of said resolution of said Legislature filed with the Secretary of State of the State of California on the 11th day of March, 1948, (Statutes 1948, page 236); and

Pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the State of California, the Legislative Body of said City, namely: The City Council of said City, did on its own motion and pursuant to the provisions of Section Eight, of Article Eleven of the Constitution of the State of California, duly propose to the electors of said City of Compton certain amendments to the Charter of said City; and ordered that said amendments be submitted to said electors of said City at a special municipal election to be held in said City on the 4th day of November, 1952; and

That said proposed amendments were, on the 18th day of September, 1952 duly published in the "Herald American and The Compton Herald", a newspaper of general circulation, published in the City of Compton, and the official newspaper of said City, and the newspaper designated by said City Council for that purpose, and in each edition thereof;

That said City Council did by Ordinance, designated as Ordinance No. 908, which was duly adopted on the 19th day of August, 1952, order the holding of a special municipal election in said City of Compton on the 4th day of November, 1952, which date was more than forty (40) days and less than sixty (60) days after the completion of the publication of said proposed amendments to the Charter of the City of Compton, as aforesaid; and

That said special municipal election was held in said City on said 4th day of November, 1952, which date was more than forty (40) and less than sixty (60) days after said proposed amendments to said Charter had been published in said "Herald American and The Compton Herald", as aforesaid; and

That said City Council did cause copies of such charter amendments to be printed in convenient pamphlet form and in type of not less than 10-point and did cause copies thereof to be mailed to each of the qualified electors of the City of Compton; and did, until the day fixed for the election upon such charter amendments, advertise in the "Herald American and The Compton Herald" a notice that copies thereof might be had upon application therefor; and

That at said special municipal election held as aforesaid, on said 4th day of November, 1952, a majority of the voters voted in favor said proposed amendment to the Charter of the City of Compton, and duly ratified the same; and

That the returns of said special municipal election were canvassed at a time and in the manner and form prescribed by law, and it was duly found, determined and declared that a majority of the qualified voters voting thereon, had voted in favor of and ratified said proposed amendment to the Charter of the City of Compton, which amendment is in words and figures as follows, to wit:

"Charter Amendment No. 3:

"Article VIII of the City Charter of the City of Compton, consisting of Sections 800 to 802, both inclusive, is hereby deleted and repealed." Repeal

That the foregoing is a full, true and correct copy of said proposed amendment to the Charter of the City of Compton, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of the said City of Compton.

IN WITNESS WHEREOF, Harry T. Laugharn, Mayor, as aforesaid, and Mrs. Clyde J. Harlan, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Compton to be thereunto duly affixed, on this 16th day of December, 1952.

HARRY T. LAUGHARN
(SEAL) Mayor of the City of Compton
MRS. CLYDE J. HARLAN
City Clerk of the City of Compton

WHEREAS, Said proposed amendment to the charter of the City of Compton, ratified by the electors of said city, as aforesaid, has been submitted to the Legislature of the State of California for approval or rejection, without alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said proposed charter amendment of the City of Compton, ratified by the electors of said city as aforesaid, as presented to, adopted and ratified by the qualified electors of said City of Compton, be and the same is hereby approved as a whole, without amendment or alteration, as the amendment to the charter of the City of Compton, and as a part of said charter of the City of Compton. Approval

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CHAPTER 22

Assembly Concurrent Resolution No. 20—Approving a certain amendment to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of November, 1952.

[Filed with Secretary of State January 16, 1953]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Long Beach, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit: City of Long Beach Charter amendments

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON THE 4TH DAY OF NOVEMBER, 1952, OF A CERTAIN AMENDMENT TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES, } ss.
CITY OF LONG BEACH.

Certificate

We, Burton W. Chace, Mayor of the City of Long Beach, and Margaret L. Heartwell, City Clerk of the City of Long Beach, do hereby certify as follows:

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said City at a special election held therein on the 14th day of April, 1921, and approved by the Legislature of the State of California and filed with the Secretary of State of the State of California on the 26th day of April, 1921, (Statutes of 1921, page 2054); and

That the legislative body of said City, namely, the City Council thereof, did, by motion duly adopted and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Long Beach one (1) amendment to the charter of said City, and directed that said proposal of amendment should thereafter be designated in appropriate alphabetical order on the ballots to be used at said election in accordance with the requirements of Section 3831 of the Elections Code of the State of California, and ordered that said proposed amendment be submitted to said qualified electors of said City at a special municipal election to be held in said City on the 4th day of November, 1952; and

That said City Council did, on August 26, 1952, adopt its Resolution No. C-13874, wherein and whereby said City Council requested the Board of Supervisors of the County of Los Angeles to order the consolidation of a special municipal election thereafter to be called and proclaimed by said City Council for the purpose of submitting to said electors such amendment to the charter of said City, with that certain State General Election to be held throughout the State of California on November 4, 1952. In said resolution there was set forth the exact form

of the proposition for said proposed amendment as the same was to appear on the ballot to be used at said election; and

That said Board of Supervisors did, on August 29, 1952, adopt its order so consolidating such special municipal election with said State General Election; and

That said proposed amendment was thereafter designated as Proposition "F" and was on September 8, 1952, duly published in the Long Beach Independent and in each edition thereof during said date of publication; and

That said Long Beach Independent was, upon the date of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Long Beach, and was, upon the date of the publication of said proposed amendment, and at all times since has been, and now is, published in said City and said newspaper was, upon the date of the publication of said proposed amendment, and at all times since has been and now is, the official newspaper of said City, and was the newspaper designated by said City Council for the publication of said proposed amendment; and

That said proposed amendment was duly and regularly printed in convenient pamphlet form and, at and during the time and in the manner provided by law, a notice was published in said Long Beach Independent that such copies of said proposed amendment could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendment so printed in convenient pamphlet form was duly and regularly distributed in the manner provided by law; and

That said City Council did, by ordinance designated as Ordinance No. C-3175, order the holding of a special municipal election in said City of Long Beach on the 4th day of November 1952, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendment, as aforesaid, and which ordinance was published at least three times in the Long Beach Independent, the official newspaper of the City of Long Beach, ten days prior to the date of said election, to wit: On the 22nd, 23rd and 24th days of October, 1952, in the Long Beach Independent, the official newspaper of the City of Long Beach and a newspaper of general circulation and published in said City, and said ordinance was posted in three conspicuous places in the City of Long Beach; and

That in said ordinance, said special municipal election was ordered consolidated with the State General Election held on said day, and the Board of Supervisors of the County of Los Angeles was authorized to canvass the returns of said special municipal election; and

That said special municipal election was held in said City of Long Beach on the 4th day of November, 1952, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendment once in the Long Beach Independent, as aforesaid; and

That thereafter the Board of Supervisors of the County of Los Angeles, acting by and through the Registrar of Voters of said County, did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the 5th day of December, 1952, duly certified to the City Council the result of said special municipal election as determined from the canvass of the returns thereof; and

That the City Council did, by resolution adopted on the 9th day of December, 1952, duly declare the results of said special municipal election and did duly find, determine and declare that a majority of the qualified voters of said City of Long Beach voting thereon had voted in favor of and had ratified said proposed amendment; and

That at said special municipal election held, as aforesaid, a majority of the qualified voters of said City of Long Beach voting thereon voted in favor of and thereby ratified said proposed charter amendment; and

That said proposed amendment to the charter of the City of Long Beach, so ratified by the voters of said City as aforesaid, is respectively in words and figures as follows, to wit:

PROPOSITION F

That the Charter of the City of Long Beach be amended by adding thereto a new section to be known as Section 260.8 and by amending Section 260 6, to read, respectively, as follows:

"Public Improvement Fund"

Sec. 260.8. The "Public Improvement Fund" is hereby created and established. Said fund shall be a continuing fund and not subject to transfer at the close of a fiscal year. Money placed therein shall be used exclusively for the payment of costs and expenses for the acquisition, construction, reconstruction, development, operation, repair and maintenance of public improvements and the acquisition of such lands, rights and property as may be necessary or convenient therefor. Except for the City's 1952-1953 fiscal year, no such use of such money shall be made unless provision therefor is made in the official budget of the City adopted by the City Council. Whether or not such provision is so made, none of such money shall be so used unless, prior thereto, a majority of those voting thereon vote in favor of a proposition, for each such use, submitted by the City Council at any City election wherein all City electors are entitled to vote. Such money, however, may be used without such prior approval of the electors and without the necessity of a provision therefor in any budget of the City, for payment of costs and expenses, for land subsidence remedial work, or to meet a public emergency caused by war, fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection, if the City Council, by not less than a vote of two-thirds of all of the members thereof, declares the need for such land subsidence remedial work or declares the existence of such public emergency. In such event, the City Council may authorize the transfer of money from said fund to any other City fund or funds for such

subsidence remedial work or to meet such public emergency. Any such transfer shall be made by journal entry on the books of the City in a manner prescribed by the City Manager.

Within thirty days after the effective date of this section, the City Treasurer shall transfer to the "Public Improvement Fund" fifty per cent of all revenue derived by the City from oil, gas and other hydrocarbons, and fifty per cent of the interest, earnings, income and/or profits from investment of said revenue which is in the "Harbor Revenue Fund" on the date of such transfer. Within said thirty days, he shall also transfer to the "Public Improvement Fund" fifty per cent of all revenue in the "Harbor Reserve Fund" and the "Tideland Oil Fund" on the date of such transfer.

At least once each calendar month thereafter, the City Treasurer shall transfer to the "Public Improvement Fund" fifty per cent of all revenue derived by the City from oil, gas and other hydrocarbons and placed in the "Harbor Revenue Fund", which is not required by this Charter to be transferred from said "Harbor Revenue Fund" to the "Harbor Reserve Fund". He shall also transfer to the "Public Improvement Fund", at least once each calendar month thereafter, fifty per cent of all revenue, so derived, which is required by this Charter to be transferred to the "Harbor Reserve Fund" and fifty per cent of all revenue, so derived, which is required by this Charter to be placed in the "Tideland Oil Fund".

Revenue from development of hydrocarbons beneath city land

Sec. 260.6. Any and all money derived by the City of Long Beach from the development of oil, gas or other hydrocarbon substances from beneath all tidelands and submerged lands specified and described in those certain grants from the State of California to the City of Long Beach, to wit, 1911 Statutes, page 1304, 1925 Statutes, page 235, and 1935 Statutes, page 794, except from beneath such of said lands as are located within the Harbor District of the City of Long Beach as said district was bounded and described on May 1, 1946, shall be paid into the "Tideland Oil Fund". Money placed in the "Tideland Oil Fund", not required by this Charter to be transferred to the "Public Improvement Fund", shall be used exclusively for the purposes of establishing, constructing, maintaining and improving public parks, parkways, highways, playgrounds, and the construction, maintenance and operation of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, as shall have been provided for in the official budget of the City adopted by the City Council; provided, however, such money may not be used and expended for any purpose in violation of the provisions of said grants from the State of California to the City of Long Beach.

Money remaining in the "Tideland Oil Fund" and not required by this Charter to be transferred therefrom, however, shall not be used for any of the aforesaid purposes unless, prior thereto, a majority of those voting thereon vote in favor of a proposition, for each such use, submitted by the City Council

at any City election wherein all City electors are entitled to vote. Such money, however, may be used without such prior approval of the electors and without the necessity of a provision therefor in the official budget of the City, for the payment of costs and expenses, for land subsidence remedial work, or to meet a public emergency caused by war, fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection, if the City Council, by not less than a vote of two-thirds of all of the members thereof, declares the need for such land subsidence remedial work or declares the existence of such public emergency, provided, however, that such money shall not be used for any purpose in violation of the provisions of said grants from the State of California to the City of Long Beach.

Provided further, however, the sum of Two Hundred Fifty Thousand Dollars of the money remaining in said "Tideland Oil Fund" and not required by this Charter to be transferred therefrom, may be used each fiscal year for any purpose not in violation of said grants from the State of California to the City of Long Beach, as shall have been provided for in the official budget of the City, without prior approval of the electors of such use. If any or all of said sum of Two Hundred Fifty Thousand Dollars is not used within a fiscal year, the unused amount shall accumulate and shall likewise be available for such use in any succeeding fiscal year.

That the foregoing is a full, true and correct copy of said proposed amendment to the charter of the City of Long Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Long Beach.

IN WITNESS WHEREOF, Burton W. Chace, Mayor, as aforesaid, and Margaret L. Heartwell, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed on this 26th day of December, 1952.

BURTON W. CHACE
(SEAL) Mayor of the City of Long Beach
MARGARET L. HEARTWELL
City Clerk of the City of Long Beach

WHEREAS, Said proposed amendment to the charter of the City of Long Beach, ratified by the electors of said city, as aforesaid, has been, and is now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8, Article XI, of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Long Beach, as proposed to, adopted and ratified by the qualified electors of said City of

Long Beach, as hereinabove fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as a part of the charter of the City of Long Beach.

CHAPTER 23

Assembly Concurrent Resolution No. 21—Approving a certain amendment to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a special municipal election consolidated with the general state election held therein on the fourth day of November, 1952.

[Filed with Secretary of State January 16, 1953]

City of Los Angeles Charter amendment

WHEREAS, Proceedings have been taken and had for the adoption and ratification of an amendment, hereinafter set forth, to the charter of the City of Los Angeles, a municipal corporation in the County of Los Angeles, State of California, as set out in the certificate of the president of the city council and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
City of Los Angeles

Certificate

We, Harold A. Henry, President of the Council of The City of Los Angeles, and Walter C. Peterson, City Clerk of The City of Los Angeles, do hereby certify and declare as follows:

That said, The City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than one million nine hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

That in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, the Council of The City of Los Angeles, being the legislative body of said

City, on its own motion, duly and regularly submitted to the qualified electors of The City of Los Angeles, a certain proposal for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain special municipal election consolidated with the General State Election called and held for that purpose in said City on the fourth day of November, 1952, all as required by law.

That on the 24th day of September, 1952, the said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of September 24, 1952, in "The Los Angeles Daily Journal and The Los Angeles News", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City.

That copies of said proposed charter amendment were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from September 24, 1952, to and including November 4, 1952; and a notice was advertised and published on and from September 24, 1952, to and including November 4, 1952, in "The Los Angeles Daily Journal and The Los Angeles News", a newspaper of general circulation in said City, that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendment was submitted to the electors of said City for adoption and ratification at a special municipal election consolidated with the General State Election, held on November 4, 1952, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendment aforesaid.

At said election a majority of the qualified electors voting upon said proposed Charter Amendment voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the Registrar of Voters of the County of Los Angeles, heretofore certified by him to the Council of said City, and the declaration of the Council of the said The City of Los Angeles, which pursuant to law met on December 10, 1952, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said Registrar of Voters.

That the said amendment to the Charter of The City of Los Angeles, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, is in words and figures as follows:

PROPOSED CHARTER AMENDMENT K

Sub-sections 6 and 16 of Section 229 of the Charter of The City of Los Angeles are amended to read: Sub-sec. 6. Determination and limitation of amounts of issues.

Power to borrow and to refund

Subd. (a). Whenever the Department shall exercise the power to borrow money, or to refund indebtedness, pursuant to this section 229, the Board shall by resolution determine the amount or amounts required for the purposes for which the money is to be borrowed or required for such refunding.

Limitation

Subd. (b). Whenever the Department shall exercise the power to borrow money pursuant to this section 229 the Board may authorize the issuance of bonds in any amount which, when added to the aggregate amount of (i) bonds of the Department outstanding at the time of the acceptance of a proposal for the purchase of the bonds so authorized and payable out of the revenue fund out of which the bonds so authorized are to be payable, and (ii) bonds of the City outstanding at that time and serviced out of that revenue fund, shall not exceed the amount of the surplus (including surplus arising from contributions in aid of construction) derived from the operation of the works to which that fund pertains, as of the end of the last fiscal year which ended not less than four months prior to the making of the finding and determination provided for in clause (1) of subdivision (a) of subsection 16 of this section 229.

Subd. (c). The limitation prescribed in subdivision (b) of this subsection 6 shall not be applicable to the issuance of any refunding bonds pursuant to this section 229, and the amount of any issue of such refunding bonds may equal, but shall not exceed, the amount required for the payment or redemption of the bonds to be refunded thereby, including the premiums, if any, due upon such redemption, but excluding any interest due upon such redemption.

Subd. (d). The limitation prescribed in subdivision (b) of this subsection 6 shall not be applicable to the issuance of any bonds whenever the proposition of such issuance shall have been assented to by the voters.

Bond funds

Subd. (e). Any bond for the payment and discharge of which, upon maturity or upon redemption prior to maturity, provision has been made through the setting apart in a reserve fund or special trust account created pursuant to subsection 10 of this section 229 to insure the payment thereof, of moneys sufficient for that purpose, or through the irrevocable segregation for that purpose, in some sinking fund or other fund or trust account, of moneys sufficient therefor, shall be deemed to be no longer outstanding within the meaning of any provision of this section 229.

Board findings

Sub-sec. 16. Board to determine facts showing laws have been complied with, and findings to be conclusive.

Subd. (a). After accepting a proposal for the purchase of each issue of bonds to be issued pursuant to this section 229 (except in the case of the exchange of refunding bonds for

bonds to be refunded thereby, in which case it shall be after authorizing such exchange) and prior to the issuance thereof, the Board, after satisfying itself respecting the relevant facts, shall, by resolution, find and determine —

Clause (1) — the amount of surplus (including surplus arising from contributions in aid of construction) derived from the operation of the works of the Department to which the revenue fund out of which such bonds are to be payable pertains, as of the end of the last fiscal year which ended not less than four months prior to the making of such finding and determination, and that the ascertainment of such surplus has been in accordance with sound accounting practice; provided, however, that such finding and determination need not be made in the case of the authorization of refunding bonds, or in any case where the voters have assented to the issuance of bonds in excess of the limitation specified in subdivision (b) of subsection 6 of this section 229;

Clause (2)—that the amount of bonds of the Department payable out of the revenue fund out of which such issue of bonds is to be payable and outstanding at the time of the acceptance of such proposal, plus the amount of bonds of the City serviced out of that revenue fund and outstanding at that time, does not exceed an amount stated in said finding and determination; subject, however, to the same proviso as in the next preceding clause (1);

Clause (3)—that the resolution or resolutions authorizing such issue of bonds in all respects conforms or conform with the provisions of this section 229;

Clause (4)—that the indebtedness to be evidenced by such issue of bonds, together with all other indebtedness of the Department and of the City pertaining to the municipal works for or on account of which such bonds are to be issued, is within every debt or other limit prescribed by the Constitution and statutes of the State of California and this charter;

Clause (5)—that upon the issuance of such bonds any and all acts, conditions and things required to exist, to happen and to be performed, precedent to and in the issuance thereof, will exist, will have happened and will have been performed, in due time, form and manner, as required by the Constitution and statutes of the State of California and this charter.

Subd. (b). The Board may also, by resolution, find and determine any other facts relevant to the legality of the issue.

Recital in resolution of issue

Subd. (c). The Board, by resolution adopted in connection with any issue of bonds pursuant to this section 229, may direct that there shall be included in each of the bonds of that issue a certification and recital that any and all acts, conditions and things required to exist, to happen and to be performed, precedent to and in the incurring of the indebtedness evidenced by that bond, and in the issuing of said bond, exist, have happened and have been performed in due time, form and manner, as required by the Constitution and statutes of the State of California and the charter of the City, and that said bond, together

with all other indebtedness of the Department and of the City pertaining to the municipal works for or on account of which the indebtedness evidenced by said bond was incurred, is within every debt and other limit prescribed by the Constitution and statutes of the State of California and the charter of the City.

Subd. (d). From and after the issuance of any issue of bonds the findings and determinations of the Board respecting that issue made pursuant to this subsection 16 shall be conclusive evidence of the existence of the facts so found and determined in any action or proceeding in any court in which the validity of such bonds is at issue, and no bona fide purchaser of any such bond containing the certification and recital permitted by this subsection 16 shall be required to see to the existence of any fact, or to the performance of any condition, or the taking of any proceeding, required prior to such issue, or to the application of the purchase price paid for such bonds. Evidence

Subd. (e). Bonds shall be deemed to be issued, within the meaning of this subsection 16 whenever the definitive bonds, or any temporary bonds or interim receipts exchangeable therefor, have been delivered to the purchasers thereof, and the purchase price thereof received, or in the case of bonds to be refunded through exchange, whenever such exchange has been made. Issuance of bonds

We further certify that we have compared the text of the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct, complete and exact copy thereof. That as to said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, We have hereunto set our hands and have caused the corporate seal of The City of Los Angeles to be affixed hereto this 19th day of December, 1952.

(SEAL)

HAROLD A. HENRY
President of the City Council
of The City of Los Angeles
WALTER C. PETERSON
City Clerk
of The City of Los Angeles

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as Approval

hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as a part of the charter of the said the City of Los Angeles.

CHAPTER 24

Assembly Concurrent Resolution No. 24—Approving an amendment to the charter of the City of San Jose, a municipal corporation of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of November, 1952.

[Filed with Secretary of State January 16, 1953]

City of San Jose Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment hereinafter set forth to the charter of the City of San Jose, a municipal corporation in the County of Santa Clara, State of California, as set out in the certificate of the mayor and city clerk of the said city, as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } ss.

Certificate

We, the undersigned, Parker L. Hathaway, Mayor of the City of San Jose, State of California, and Dorothy Covill, City Clerk of said City, do hereby certify as follows:

That the City of San Jose, a municipal corporation in the County of Santa Clara, State of California, now is and at all times herein mentioned, was a City containing a population of more than 3,500 inhabitants, and has been ever since the year of 1915, and now is, organized, existing and acting under a freeholder's charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at the general municipal election held for that purpose on the 19th day of April, 1915, and approved by the Legislature of the State of California on the 12th day of May, 1915 (Statutes 1915, page 1869);

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on its own motion, the Council of the City of San Jose, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City a certain proposal designated as "Charter Amendment" to amend the Charter of said City and to be voted upon by said qualified electors at the special municipal election held in said City on the 4th day of November, 1952.

That said proposed amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 22nd day of September, 1952, in the San Jose News, a daily newspaper of

general circulation published in said City of San Jose, and in each edition thereof during the day of publication.

That copies of said proposed amendment were printed in convenient pamphlet form and in type of not less than ten-point, and copies thereof were mailed to each of the qualified electors in said City in accordance with the Constitution of the State of California and the Charter of the City of San Jose; and an advertisement that copies thereof could be had by the application therefor at the office of the City Clerk of the City of San Jose was published in San Jose News, a newspaper of general circulation published in said City, on the 22nd day of September, 1952, and on each day thereafter to and including the 4th day of November, 1952, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said pamphlet containing said proposed Charter Amendment could be had upon application therefor at the office of the City Clerk of said City to and including the 4th day of November, 1952, the date fixed for said election.

That said special municipal election was duly and regularly held in said City of San Jose, after due notice given and published, on the 4th day of November, 1952, which day was not less than forty (40) days, nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed Charter Amendment in the San Jose News.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized, that the amendment to the Charter of the City of San Jose hereinafter set forth was ratified by a majority of the electors of said City voting thereon; that the Council of said City did by its Resolution No. duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said Charter Amendment, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said Amendment to the Charter of the City of San Jose so ratified by the electors of said City is in the words and figures as follows, to-wit:

CHARTER AMENDMENT
PROPOSITION A

To amend the Charter of the City of San Jose, by adding thereto a new article to be designated Article XXI, reading as follows:

ARTICLE XXI
Off-Street Vehicular Parking

Section 139. General. The City of San Jose, in addition to all other powers elsewhere enumerated in this Charter, shall

Powers of city

have power to acquire (whether by purchase, lease, eminent domain, or otherwise), construct, establish, improve, extend, maintain, operate, administer, lease and sublease off-street vehicular parking facilities and places within the City of San Jose, including any and all public parking lots, garages or other automotive parking facilities, in order to relieve traffic congestion and promote the welfare of the citizens and inhabitants of said City, and, for the payment of the cost thereof, to issue bonds payable from the revenues of any such parking facilities and from other revenues, all as hereinafter provided in this Article.

Definitions

Section 140. Definitions. The following terms whenever used or referred to in this Article, or in any resolution of issue, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) Project. The term "project" means any one or more off-street vehicular parking facilities referred to in Section 139 and designated by the City as a project in a resolution of issue.

(b) Bonds. The term "bonds" or "revenue bonds" means the written evidence of any obligation issued by the City, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this Article, in order to obtain funds with which to carry out any of the purposes of this Article, irrespective of the form of such obligation.

(c) Revenues The term "revenues" means and includes any and all rates, fees and other charges received or receivable in connection with, and any and all income and receipts of whatever kind and character derived by the City from, the operation of a project, or arising from a project, including any such revenues as may have been or may be impounded or deposited in any fund created for the security or further protection of revenue bonds or for the purpose of providing for the payment of the principal thereof or the interest thereon. The term "revenues" also includes net revenues from on-street parking meters within the City now owned or controlled or hereafter acquired or controlled by the City and net revenues of any existing off-street vehicular parking facilities operated or controlled by the City to the extent that the same shall be pledged or otherwise made available for the payment of operation and maintenance costs of any project or as security or further protection for bonds by a resolution of issue.

(d) Net Revenues. The term "net revenues" when used with reference to on-street parking meters within the City means and includes the gross revenues collected by the City during any fiscal year from the establishment and operation of such on-street parking meters after deducting therefrom the actual necessary costs and expenses of the acquisition, installation, maintenance and replacement of such parking meters and of the collection of revenues therefrom, all calculated on sound accounting principles, but without any allowance for depreciation or obsolescence. The term "net revenues" when used with reference to any existing off-street vehicular parking facilities

operated or controlled by the City means and includes and gross revenues collected by the City during any fiscal year from the establishment and operation of such existing off-street vehicular parking facilities after deducting therefrom the actual necessary expenses or maintaining and operating such facilities, calculated on sound accounting principles, but without any allowance for depreciation or obsolescence.

(e) Resolution of Issue. The term "resolution of issue" means any agreement entered into by the City Council, including any resolution adopted by the City Council, pursuant to which revenue bonds are issued, and includes any agreement entered into or resolution adopted by the City Council amending, modifying or supplementing a resolution of issue irrespective of the form thereof.

Powers of city council

Section 141. Grant of Power. Without limiting the generality of Section 139, the City Council of the City of San Jose has power for any of the purposes of this Article:

(a) To acquire, by grant, purchase, gift, devise, lease or by the exercise of right of eminent domain, and to hold, use, sell, lease, sublease or dispose of any real or personal property or any interest in any thereof, including rights-of-way, necessary or appropriate for the full exercise, or convenient or useful for the carrying on, of any of its powers pursuant to this Article;

(b) To acquire, by any of the means specified in the foregoing clause (a), any lands, property or rights-of-way necessary or convenient for the opening, widening, straightening and extending of streets or alleys necessary or convenient for ingress to or egress from any project;

(c) To improve any lands so acquired by the construction thereon of garages or other buildings or improvements necessary or convenient for any project;

(d) To construct, establish, improve, extend, maintain, operate, administer, lease and sublease any project;

(e) To fix rates, fees or charges for the use of the facilities provided by any project, or for any services rendered in connection therewith, and to alter, change or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the City with respect to the fixing of such rates, fees or charges; and, by a resolution of issue or otherwise, to enter into covenants to increase rates, fees or charges from time to time; provided, however, that any person shall be permitted to use or operate any facilities provided by any project only upon payment of the regularly established charge therefor, except as may be otherwise specifically provided in a resolution of issue in the case of firemen, policemen and other essential public employees. All rates, fees and charges shall be paid only in such coin or currency as on the date of payment is legal tender for public and private debts, or in scrip or tokens issued only upon payment of the face value thereof in such coin or currency.

(f) At any time and from time to time to issue revenue bonds in order to raise funds for the purpose of establishing any proj-

ect or of acquiring lands for any project or of acquiring, constructing, completing, improving, extending, maintaining, operating or administering any project, or of refinancing any project, or for any combination of such purposes, which bonds may be secured as hereinafter provided;

(g) To make contracts, leases, subleases and agreements relative to the acquisition, operation or maintenance of any project or any part of any project with any person or public corporation, political subdivision, city, county, district, the State of California, or the United States of America, or any department or agency of any thereof, subject to any contractual obligation which may be entered into by the City with respect to the issuance of bonds;

(h) To lease for commercial purposes space in any project which in the opinion of the Council is not and will not during the term of such lease be required for off-street vehicular parking facilities, provided that the aggregate of all such space so leased at any one time in any project shall not exceed twenty per cent (20%) of the surface area of such project and that the term of any such lease shall not exceed a period of five (5) years from its date;

(i) To sell, lease, convey or otherwise dispose of any rights, interests or properties acquired under this Article, subject to any contractual obligation which may be entered into by the City with respect to the issuance of bonds;

(j) To exercise the right of eminent domain for the condemnation of private property or any right or interest therein for any of the purposes of this Article;

(k) To adopt such rules and regulations as may be necessary regarding the operation and maintenance of any project and to enable the City to exercise the powers and perform the duties conferred or imposed by this Article; and

(*l*) To do any and all acts or things necessary or appropriate to carry out the purposes of this Article and the provisions, covenants and agreements contained in any resolution of issue pursuant to the authority conferred by this Article; provided that nothing in this Section or elsewhere in this Article contained shall be construed directly or by implication to be in any way in derogation or in limitation of any powers conferred upon or existing in the City by virtue of the provisions of the Constitution of the State of California or any other provision of this Charter.

Pledge of revenues

Section 142. Pledge of Net Parking Meter Revenues.

In addition to all other powers elsewhere enumerated in this Article, the City Council shall have power to pledge, place a charge upon, or otherwise make available and authorize payment of all or any part of the net revenues collected by the City from the establishment and operation of on-street parking meters within the City now owned or controlled or hereafter acquired or controlled by the City, for such periods of years as shall be determined by the City Council, for the payment of operation and maintenance costs of any one or more projects,

authorized by this Article or as security or further protection for the payment of principal of and interest on bonds issued pursuant to this Article.

Section 143. Issues of Bonds; Series and Divisions. The City Council may provide for one or several issues of bonds and may issue bonds in series, or may divide any issue into one or more series or divisions and fix different maturities or dates for each series or division, different rates of interest, or different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the City Council by a resolution of issue at the time of or prior to the issue thereof. Bond issues

Section 144. Authorization of Revenue Bonds. Each issue of revenue bonds shall be authorized by the City Council by a resolution of issue adopted by affirmative votes of at least five (5) members of the City Council at a duly assembled meeting. Authorization

Section 145. Resolutions of Issue. Resolutions of issue shall provide for the aggregate principal amount, date or dates, maturities, interest rates, denominations and form, and may provide for the registration, transfer and interchange, of any revenue bonds and coupons issued pursuant to this Article; and shall prescribe the purpose or purposes for which said bonds are to be issued and the terms and conditions on which said bonds are to be executed, issued, secured, sold and paid, and, if desired, the terms and conditions on which said bonds may be redeemed prior to maturity or refunded. Resolution

Section 146. Provisions Relating to Bonds. The following provisions shall govern and apply to (a) all revenue bonds issued pursuant to this Article and (b) each resolution of issue relating to the bonds thereby authorized; General provisions

(1) Date of Bonds. Bonds shall bear dates prescribed by the resolution of issue.

(2) Maturity. Bonds may be serial bonds or sinking fund bonds with such maturities as shall be provided in the resolution of issue. No bond by its terms shall mature in more than forty (40) years from its own date and, in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date of each such series or division shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized.

(3) Interest. Bonds shall bear interest at a rate of not to exceed six (6) per cent per annum, payable annually or semiannually, or in part annually and in part semiannually.

(4) Coupon or Registered Bonds. Bonds may be issued as coupon bonds or as registered bonds. A resolution of issue may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as

to both principal and interest, or otherwise as the resolution of issue shall prescribe.

(5) Redemption. Bonds may be callable upon such terms and conditions and upon such notice as the resolution of issue shall prescribe and upon payment of such premium (not exceeding six per cent (6%) of the par value of such bonds) as may be fixed in the resolution of issue. No bond shall be subject to call or redemption prior to its fixed maturity date, unless the right to exercise such call is expressly stated on the face of the bond.

(6) Source of Payment. All revenue bonds shall be payable exclusively from revenues.

(7) Reference on Bonds to Resolution of Issue. Reference on the face of a revenue bond to the resolution of issue by its date of adoption is sufficient to incorporate all of the provisions thereof and of this Article into the body of said revenue bond and its appurtenant coupons. Each taker and subsequent holder of a revenue bond or coupons, whether such coupons are attached to or detached from said revenue bond, shall have recourse to all of the provisions of the resolution of issue and of this Article and shall be bound thereby.

(8) Recital in Bonds. All revenue bonds shall contain a recital on their face that neither the payment of principal of nor of interest on such bonds constitutes a debt, liability or obligation of the City of San Jose, except as provided in this Article.

(9) Place and Manner of Payment. The principal of and interest on bonds may be paid at any one or more places within or without the State of California and in any specified coin or currency of the United States of America, as may be provided in the resolution of issue.

(10) Execution and Authentication of Bonds; Validity of Signatures and Counter-signatures. Bonds may be executed and authenticated by the manual, lithographed or printed facsimile signature of any officer or officers of the City and may also be authenticated by a trustee of fiscal agent appointed by the City Council. If any of the officers whose signatures or countersignatures appear on the bonds cease to be officers before the delivery of the bonds or coupons to the purchasers thereof, their signatures or countersignatures shall nevertheless be valid and of the same force and effect as if such officers had remained in office until the delivery of the bonds and coupons.

(11) Issuance of Temporary Bonds. Pending the actual issuance or delivery of definitive bonds, the City Council may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, and with such provisions as the City Council shall determine, to be exchanged for definitive bonds when ready for delivery. In the absence of an express recital on its face that a temporary bond or interim receipt is non-negotiable, such bond or interim receipt is a negotiable instrument.

(12) Replacement of Lost, Destroyed, Mutilated or Stolen Bonds. Lost, destroyed, mutilated or stolen bonds or coupons may be replaced as provided in the resolution of issue.

(13) Security. All revenue bonds shall be secured by an exclusive pledge and charge upon (a) all or a portion of the gross revenues of the project for the acquisition, construction and completion of which said bonds are issued or authorized to be issued, (b) revenues from on-street parking meters, and (c) all or a portion of revenues of any existing off-street vehicular parking facilities operated or controlled by the City, all as provided for in the resolution of issue, provided, however, the Council may in its resolution of issue elect not to pledge or place a charge upon the revenues of said existing off-street vehicular parking facilities operated or controlled by the City. Gross revenues of a project include improvements and extensions of such project later constructed or acquired. The gross revenues of the project, any interest earned on the gross revenues of the project, and all pledged on-street parking meter revenues and pledged revenues of said existing off-street vehicular parking facilities shall constitute a trust fund for the security and payment of the principal of and interest on the bonds and so long as any bonds or interest thereon are unpaid said revenues and interest shall not be used for any other purpose; provided, however, that a resolution of issue may provide that if the principal of and interest on the bonds and all charges to protect and secure them are paid when due, an amount for the maintenance and operation costs of the project may be apportioned from revenues, but only to the extent specified in the resolution of issue.

(14) Bonds of Same Issue to be Equally Secured. Bonds of the same issue shall be equally secured by a pledge and charge upon revenues, without priority for number, date of bonds, of sale, or execution, or of delivery; except that if the City Council authorizes the issuance of bonds of different series it may provide that the bonds in any series shall, to the extent and in the manner prescribed in the resolution of issue, be subordinated and be junior in standing with respect to the payment of principal and interest and the security thereof to such other bonds as may be specified in the resolution of issue.

(15) Refunding Bonds. The City Council may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming, retiring or refunding any revenue bonds issued under this Article, subject to any limitations contained in the resolution of issue pursuant to which such revenue bonds are issued. All provisions of this Article applicable to the issuance of revenue bonds shall be applicable to the refunding bonds and to the issuance, sale or exchange thereof.

(16) Amount of Refunding Bonds. Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be refunded thereby, and, in addition, for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds and the issuance

of such refunding bonds. Such expenses may include the difference in amount between the par value of the refunding bonds and any amount less than par for which the refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such refunding bonds from the date of sale thereof to the date of payment of the bonds to be refunded, or to the date upon which the bonds to be refunded will be paid pursuant to call thereof or agreement with the holders thereof, and also the premium, if any, necessary to be paid in order to call and retire the outstanding bonds and the interest accruing thereon to the date of call or retirement.

(17) Validity of Bonds Not Affected by Actions of City Relative to Project. The validity of the authorization and issuance of any revenue bonds by the City Council shall not be dependent on or affected in any way by:

(a) Proceedings taken by the City for the acquisition, construction or completion of any project or any part thereof;

(b) Any contracts made in connection with the acquisition, construction or completion of any project; or

(c) The failure to complete any project for which bonds are authorized to be issued.

Sale

Section 147. Sale of Bonds. Before selling any bonds the City Council shall give notice inviting sealed bids in such manner as the City Council may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the City Council determines that the bids received are not satisfactory as to price or responsibility of the bidders, the City Council may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

Section 148. Sale Below Par. The City Council may sell bonds at a price below the par or face value thereof, provided that the maximum net interest cost (computed on a 360-day year basis) on bonds sold below par or face value shall not exceed an average of six per cent (6%) per annum, payable semi-annually, to the respective maturity dates of said bonds.

Expenses and interest

Section 149. Payment of Incidental Expenses and Interest and Creation of Funds from Proceeds of Sale of Bonds. All costs and expenses incidental to the issuance and sale of bonds, including the cost of preparation of the bonds and coupons, the cost of all surveys, of preparation of plans and specifications, of all architectural, engineering, inspection, legal, trustee's and fiscal agent's fees, the creation of a bond reserve fund, the creation of a working capital fund, and bond interest estimated to accrue during the period of acquisition or construction of a project and for a period of not to exceed six (6) months thereafter, all as provided for in the resolution of issue, may be paid out of the proceeds of sale of the bonds.

Resolutions of issue

Section 150. Provisions Relating to Resolutions of Issue. The following provisions shall govern and apply to each resolution of issue adopted by the City Council:

(1) Construction Fund; Investment. A resolution of issue may provide that the proceeds of sale of all revenue bonds authorized thereby shall either be deposited in a fund separate and apart from all other funds of the City or paid direct to any bank or trust company designated by the City Council as the fiscal agent of the City, and that said proceeds shall be held by the City or such fiscal agent in a separate account to be designated the "Construction Fund" and be disbursed in the manner and upon the conditions provided in the resolution of issue for the object and purpose of the acquisition, construction and completion of the project therein designated, including the payment of all incidental expenses and interest and the creation of funds as provided for in Section 149 of this Article. Moneys in any construction fund may be invested as the City Council in its sole discretion shall determine, subject only to such limitations as may be provided in the resolution of issue.

(2) Construction Fund Surplus. A resolution of issue may provide that any moneys in a construction fund remaining unexpended after said object and purpose shall have been completed shall be applied to the payment of the principal of and interest on said bonds, and that none of said moneys shall be transferred to any other fund of the City or used for any purpose other than as specified in the resolution of issue.

(3) Continuous Operation of Project; Repairs, Renewals and Replacements. A resolution of issue may provide that, so long as any bonds thereby authorized shall be outstanding, the City shall operate the project designated in the resolution of issue continuously and in an efficient and economical manner and in good working order and condition and shall make all necessary repairs, improvements and replacements.

(4) Rates, Fees and Other Charges. A resolution of issue may provide that the City Council will prescribe, revise and collect rates, fees and charges for use of the facilities provided by the project acquired, constructed or completed from the proceeds of sale of the bonds issued pursuant to such resolution of issue, or for any services rendered in connection with such project, and for use of any on-street parking meters and off-street vehicular parking facilities any revenues from which are pledged to secure the bonds; that such rates, fees and charges shall at all times be sufficient to yield revenues from the project and net revenues from such on-street parking meters and existing off-street vehicular parking facilities equal to all redemption payments and interest charges on said bonds as the same fall due, together with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the security or further protection of said bonds, or as a depreciation charge or other charge in connection with such project; and that such rates, fees and charges shall not be reduced below an amount sufficient to provide funds to meet all obligations specified in the resolution of issue.

(5) Holding and Application of Revenues. A resolution of issue may require the City to hold or cause to be held in trust the revenues pledged to the payment of the principal of and interest on the bonds issued pursuant to said resolution of issue, or to any reserve or other fund created for the security or further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the resolution of issue

(6) Preservation and Protection of Security of Bonds. A resolution of issue may require the City to preserve and protect the security of the bonds issued thereunder and the rights of the holders thereof and to warrant and defend such rights.

(7) Discharge of Lien Claims. A resolution of issue may require the City to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon revenues, or which might impair the security of any bonds issued for the acquisition, construction or completion of any project.

(8) Limitations Upon Power to Encumber Project. A resolution of issue may limit, restrict or prohibit, except upon such terms and conditions as may be provided therein, any right, power or privilege of the City to mortgage or otherwise encumber, or to sell, lease or dispose of a project or to enter into any lease or agreement which impairs or impedes the operation of a project or of any part thereof necessary to provide adequate revenues, or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

(9) Proceeds of Project Taken by Eminent Domain. A resolution of issue may provide that if any part of a project shall be taken by eminent domain or other proceeding authorized by law, the proceeds to the City therefrom shall be applied to the replacement of such project or to the payment and retirement of the bonds issued pursuant to such resolution of issue, or as otherwise set forth in said resolution of issue.

(10) Insurance. A resolution of issue may specify or limit the kinds and amounts of insurance to be maintained by the City on a project, or any part thereof (including insurance of any project against loss of revenues from any cause whatsoever, against public liability or property damage and against loss by fire or any other hazard, as may be provided in any resolution of issue), and providing for the payment of the premiums thereon, and specifying the use and disposition of proceeds of any such insurance thereafter collected.

(11) Books, Records and Accounts. A resolution of issue may provide:

(a) that the City will keep accurate books and records of account showing all revenues received from the operation of any project and all expenditures thereof, and all revenues from on-street parking meters and existing off-street vehicular parking facilities pledged or otherwise made available as security or as further protection for the bonds issued pursuant to said resolution of issue;

(b) that all such books and records shall be open at all times during business hours to the inspection of the holders of one or more of the bonds or of any specified percentage of such holders or their duly authorized representatives;

(c) that annual or other periodic statements of the condition of such project and of all of said other revenues will be furnished to the holders of the bonds;

(d) that summaries of all such statements will be published at least annually in the official newspaper of the City; and

(e) that the books and records of the City pertaining to the operation of any project and to all of said other revenues shall be audited by independent public accountants in such manner and under such circumstances as may be set forth in said resolution of issue.

(12) Trustees; Fiscal Agent; Paying Agents. A resolution of issue may designate a bank or trust company, qualified to do business in the State of California, as a trustee or fiscal agent for the City and holders of bonds issued under said resolution of issue, and may authorize any such trustee to act on behalf of the holders of the bonds or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders. A resolution of issue may authorize the City to designate any bank or trust company in any city in which any bonds are made payable as the City's paying agent in such city. A resolution of issue may fix and determine the conditions upon which any trustee, fiscal agent or paying agent shall receive, hold or disburse any or all revenues deposited with it by or by authority of the City or the City Council. A resolution of issue may prescribe the duties and powers, if any, of any such trustee, fiscal agent or paying agent with respect to the issuance, authentication, sale and delivery of the bonds, the payment of the principal thereof and interest thereon, the redemption thereof, the registration and discharge from registration of bonds and the management of any funds provided for in the resolution of issue as security for the bonds.

(13) Competitive Projects. A resolution of issue shall contain a covenant that the City shall not while any revenue bonds authorized by this Article are issued or outstanding, acquire, construct, complete or maintain any off-street vehicular parking facilities or places within the City of San Jose which compete in any way with any project or which are similar to any off-street vehicular parking facilities or places maintained or operated by the City or the City Council through the issuance of revenue bonds pursuant to this Article; excepting, however, any and all off-street vehicular parking facilities now or hereafter maintained by the City on land the legal title to which is presently vested in the City.

(14) Limitation on Additional Indebtedness. A resolution of issue may limit or restrict the incurring of additional indebtedness payable in whole or in part from the revenues charged with payment of the bonds issued pursuant to such resolution of issue.

(15) Events of Default. A resolution of issue may designate the rights, limitations, powers and duties arising upon breach by the City of any of the covenants, conditions or obligations therein contained, and may provide the terms and conditions upon which all bonds issued thereunder may be declared or become due and payable prior to maturity and the terms and conditions upon which such declaration and its consequences may be waived.

(16) Amendment or Modification of Resolution of Issue. A resolution of issue may prescribe procedure by which its terms and conditions may be subsequently amended or modified with the consent of the City and the vote or written assent of the holders of a specified principal amount or proportion of the bonds issued and outstanding, including

(a) provision for meetings with bondholders and the manner in which the consents of the bondholders may be given;

(b) a specific statement of the effect of each such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto; and

(c) if desired, a provision that bonds held by the City or by the State of California or any public corporation, political subdivision, city, county, district or any agency of any thereof, shall not be counted as outstanding bonds or be entitled to vote or consent, but shall nevertheless be subject, to any such amendment or modification.

(17) Use of Surplus. After all of the revenue bonds issued pursuant to a resolution of issue shall have been fully paid or discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in any construction fund or other fund provided for the security or further protection of the bonds shall, subject to the limitations and restrictions in said resolution of issue, become and be the property of the City and be used by the City for any lawful purpose.

(18) Additional Covenants and Agreements. A resolution of issue may provide for such other acts and matters and may include any and all such additional covenants and agreements on the part of the City as the City Council shall deem necessary or advisable for the better security of the bonds issued thereunder or to make said bonds more marketable.

Rights of bondholders

Section 151. Rights of Bondholders. Except as provided otherwise in any resolution of issue the holder of any bond issued pursuant to this Article may by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the City or the City Council or any official or employee of the City or assumed by any thereof in connection with the acquisition, construction, completion, operation, maintenance, repair, reconstruction or insurance of any project, or the collection, deposit, investment, application and disbursement of rates, fees and charges derived from the operation and use of any project and all other revenues, or in connection with the deposit, investment or disbursement of the proceeds received from the sale of the bonds under this Article.

The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this Article.

Section 152. Article Confers Complete Authority. The provisions of this Article constitute full and complete authority for the issuance of revenue bonds as herein provided by the City Council of the City of San Jose and no other procedure, or proceedings, consents, approvals, orders or permission from any municipal officer or board of the City of San Jose, shall be required for the acquisition, construction or completion of any project, or the issuance of any revenue bonds under this Article, except as specifically provided in this Article. Authority to issue bonds

Section 153. Provisions of Article Alternative. The powers and authorities conferred by this Article are in addition to and supplemental to all other powers and authorities conferred upon the City of San Jose The method provided in this Article for the acquisition, construction and completion of projects and the issuance of revenue bonds shall be deemed an additional method for acquiring, constructing and completing such projects and providing funds therefor; provided that the City of San Jose may, in its discretion, acquire any properties for off-street vehicular parking facilities and issue general obligation bonds of the City of San Jose therefor, subject, however, to the condition that the City of San Jose shall not, while any revenue bonds authorized by this Article are issued and outstanding, acquire, construct or complete any off-street parking facilities, other than those specifically described in paragraph (13) of Section 150 of this Article, which compete with any project operated or maintained through the issuance of revenue bonds by the City Council.

Section 154. Revenue Bonds Excluded from Bonded Indebtedness of City. Revenue bonds issued under this Article shall not be taken into consideration in determining the bonded indebtedness which the City of San Jose is authorized to incur and shall be excluded from any limitation provided by this Charter or by law on the amount of bonded indebtedness of the City. Bonded indebtedness

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of San Jose with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the seal of the City of San Jose to be affixed hereto, this 24th day of December, 1952.

PARKER L. HATHAWAY
(SEAL) Mayor of the City of San Jose
DOROTHY COVILL
City Clerk of the City of San Jose

and

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of San Jose as presented to, and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as a part of the charter of said City of San Jose.

CHAPTER 25

Senate Concurrent Resolution No. 5—Relative to the continuance of joint committees.

[Filed with Secretary of State January 17, 1953]

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

Joint committees

1. Each joint committee previously created by the Senate and Assembly of California acting concurrently and in existence on January 4, 1953, is continued as a joint committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of each committee shall be filled by the appointing power.

2. Each such committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, with authority to file its final report not later than the date of adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly as soon as such rules are adopted at this session or amended from time to time, become applicable to each committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to each such committee and the members thereof.

4. The unexpended balance of the money heretofore made available to each such committee continued by this resolution shall continue to be available for the expenses of the committee to which it was heretofore available and the members thereof and for any charges, expenses, or claims each such committee may incur under this resolution, to be disbursed in the manner heretofore provided.

CHAPTER 26

Assembly Joint Resolution No. 1—Relative to removal of trees, brush and debris in the area to be flooded by Folsom Dam.

[Filed with Secretary of State January 17, 1953]

WHEREAS, There now exists in the area which will be flooded by the water impounded by Folsom Dam a great quantity of trees, stumps, brush, and debris; and

Folsom Dam flooded area

WHEREAS, The water to be impounded by Folsom Dam is intended to be used as water supply for agricultural, urban and other areas in the portion of the State in which the dam is situated, and will provide recreation facilities to countless thousands; and

WHEREAS, The presence of trees, stumps, brush, and debris in the impounded waters would render the recreation facilities valueless because of the danger to swimmers, fishermen, and boaters and might impair the water distribution systems involved and menace the usefulness and potability of the water for agricultural and domestic purposes; and

WHEREAS, The clarity of the water impounded by the dam will enhance the scenic value of the lake thereby created; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Chief of the United States Army Engineers is hereby requested to take such steps as are necessary to provide that the trees, stumps, brush, and debris in the area to be covered by the water impounded by Folsom Dam be removed prior to the time when the area is flooded; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Chief of the United States Army Engineers, to the Commissioner of the Bureau of Reclamation, Department of the Interior, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 27

Assembly Concurrent Resolution No. 26—Relative to the death of William Green.

[Filed with Secretary of State January 17, 1953]

WHEREAS, The Members of this Legislature learned with sorrow of the death on November 21, 1952, of William Green, president of the American Federation of Labor; and

Death of William Green

WHEREAS, William Green was a trade unionist from his earliest years; went to work in the Ohio coal mines as a boy, and became a member of the United Mine Workers of America when that organization was founded in 1890, and was elected to increasingly important offices in that organization until 1924;

was elected as a member of the executive council of the American Federation of Labor in 1913; and

WHEREAS, He became president of the American Federation of Labor in 1924 upon the death of Samuel Gompers, the founder and first president of that organization, and courageously strove for the welfare of the working people and the free trade union movement for 28 years in that office; and

WHEREAS, The people of America have lost an able leader and loyal servant of the labor movement; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature hereby express their regret at the passing of William Green and desire by this resolution to convey their sympathy and condolences to his family, friends, and associates; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Mrs. Jennie Green, widow; Harry E. Green, son; and Mrs. William J. McManus, Mrs. Joseph B Shepler, Mrs. Roger McGiffin, Mrs. Melvin Bronnenberg and Mrs. Clarence Scarr, daughters.

CHAPTER 28

Senate Concurrent Resolution No. 12—Relative to making additional funds available to the Legislative Budget Committee, established by Chapter 1667, Statutes of 1951.

[Filed with Secretary of State January 17, 1953]

Legislative Budget Committee Additional appropriation

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available to it, the sum of two hundred twenty-five thousand dollars ($225,000) or so much thereof as may be necessary is hereby appropriated from the Contingent Funds of the Senate and of the Assembly for the payment of any and all expenses incurred by the Legislative Budget Committee or its members pursuant to and under authority of the provisions of Joint Rule No. 37 to be expended equally from the Contingent Funds of the Senate and of the Assembly.

CHAPTER 29

Senate Concurrent Resolution No. 14—Approving a certain amendment to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the municipal special election held therein on the fourth day of November, 1952.

[Filed with Secretary of State January 17, 1953]

City of San Diego· Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment here-

inafter set forth to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

STATE OF CALIFORNIA,
COUNTY OF SAN DIEGO, } ss.
CITY OF SAN DIEGO

Certificate

We, the undersigned, John D. Butler, Mayor of The City of San Diego, and Fred W. Sick, City Clerk of said City, do hereby certify and declare as follows:

The City of San Diego, a municipal corporation of the County of San Diego, State of California, now, and at all times herein mentioned, was a city containing a population of more than one hundred thousand inhabitants, and has been ever since the year 1931, and is now, organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8, of Article XI, of the Constitution of the State of California, and which charter was duly ratified by the qualified electors of said City at the municipal general election held in said City on the 7th day of April, in the year 1931, in manner, form and substance as required by law, and was thereafter duly approved by joint resolution of the Legislature of the State of California, adopted on the 15th day of April, 1931.

That pursuant to and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of The City of San Diego, being the legislative body thereof, on its own motion, by Ordinance No. 5318 (New Series), passed and adopted by said Council on the 11th day of September, 1952, duly proposed to the qualified electors of The City of San Diego a certain amendment to the charter of said City, designated as Proposition "E", and ordered said proposed charter amendment to be submitted to said qualified electors at a special municipal election to be held in said City on the 4th day of November, 1952.

That said Council by its Resolution No. 108167, adopted August 26, 1952, requested that said special municipal election be consolidated with the statewide general election to be held on the same date, and that the Board of Supervisors of the County of San Diego canvass the returns of said special municipal election; and the said Board of Supervisors, by its resolution adopted on the 2nd day of September, 1952, ordered the consolidation of said special municipal election with the statewide general election to be held on said 4th day of November, 1952.

That the said proposed charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in The San Diego Union, a daily newspaper of general circulation published in said The City of San Diego, and the official news-

paper of said City, and in each edition thereof during the day of publication.

That copies of said proposed charter amendment were printed in convenient pamphlet form and in type of not less than ten point, and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of The City of San Diego was published in The San Diego Union, a daily newspaper of said City, on the 29th day of September, 1952, and on each day thereafter until the day fixed for said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said proposed charter amendment could be had upon application therefor at the office of the City Clerk of said City until the day fixed for said election. That copies thereof were mailed to each of the qualified electors, as required by law.

That said proposed amendment was submitted, pursuant to the provisions of said Ordinance No. 5318 (New Series) to the qualified electors of said City at the municipal special election held in said City on the 4th day of November, 1952.

That upon the completion of the canvass of said municipal special election the Registrar of Voters of the County of San Diego, filed in the office of the City Clerk of The City of San Diego a certificate of the result thereof, and the Council of The City of San Diego by Resolution No. 109574, adopted on the 9th day of December, 1952, declared the result of the canvass of election returns of said municipal special election.

That said proposed amendment to the Charter of The City of San Diego, designated as Propostion "E", was ratified by a majority of the qualified electors of said City voting thereon.

That as to the said amendment to the Charter of The City of San Diego hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendment to the Charter of The City of San Diego which was so ratified by a majority of the electors of said City, is in words and figures as follows:

Amend Article V of the Charter of The City of San Diego by adding thereto a new section to be numbered Section 60.2, to read as follows:

Council-county contract re Department of Public Health

"Section 60.2. The Council is herein authorized to enter into a contract with the Board of Supervisors of the County of San Diego, wherein the Council may agree that any or all of the duties and functions of officers and employees of the Department of Public Health of The City of San Diego may be performed by officers and employees of the County of San Diego. Said contract may also provide that all or some of the present employees of The City of San Diego now serving in the Department of Public Health may be transferred to and become employees of the County of San Diego with full accredited status of members of the Civil Service of said County; for the preservation of all seniority and pension rights of any em-

ployees of said City affected by such transfer, and also for direct payments by the City to the County to preserve said rights; and for compensating County for duties performed pursuant to the terms of said contract in the enforcement of health measures in said City either by direct payment to the County or by collection, directly or indirectly, by employees of the County of San Diego of fees, fines or penalties provided for or imposed under any city ordinance affecting public health and the retention by the County of such moneys so collected. Any officers or employees retained by the City who are obligated to continue their present duties shall perform such under the supervision of the City Manager or such other department head as he may select. In any such contract the right shall be reserved to the City to terminate said contract upon notice and assume again the obligations and duties prescribed by this Charter for the protection of public health within The City of San Diego."

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of The City of San Diego with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this 6th day of January, 1953.

JOHN D. BUTLER
(SEAL) Mayor of The City of San Diego, California.
FRED W. SICK
City Clerk of The City of San Diego, California.

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of San Diego as presented to, and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of said City of San Diego.

CHAPTER 30

Senate Concurrent Resolution No. 18—Relative to reducing tolls on the Golden Gate Bridge.

[Filed with Secretary of State January 17, 1953]

Golden Gate Bridge tolls

WHEREAS, The great Golden Gate Bridge was constructed through a $35,000,000 bond issue authorized by the people of the City and County of San Francisco, and the Counties of Marin, Napa, Sonoma, Mendocino and Del Norte; and

WHEREAS, The Golden Gate Bridge and Highway District was created by the Legislature of this State for the purpose of operating the bridge for the convenience of the public at the lowest possible tolls; and

WHEREAS, The Golden Gate Bridge and Highway District has operated the Golden Gate Bridge as the highway link between San Francisco and Marin County, and through increased traffic has accumulated a reserve fund which under the present rates will continue to substantially grow; that the present reserve fund is a protection to the bridge for the lack of insurance that the insurance underwriters will not carry on the bridge and also for emergency purposes for the repair and maintenance of the bridge and future alterations and improvements to the physical properties of the bridge and its approaches; and

WHEREAS, It is of vital importance to the State of California and to the public which uses the Golden Gate Bridge for regular commuting and general travel that the tolls on the Golden Gate Bridge be reduced at this time; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby requests the Board of Directors of the Golden Gate Bridge and Highway District to reduce the present tolls to the lowest possible tolls for each passenger vehicle and occupants and to reduce, correspondingly and proportionately, the tolls charged regular commuters using the Golden Gate Bridge; and be it further

Resolved, That the Secretary of the Senate be directed to send a copy of this resolution to the Board of Directors of the Golden Gate Bridge and Highway District.

CHAPTER 31

Senate Concurrent Resolution No. 22—Relative to the one hundredth anniversary of the founding of the Pacific Gas and Electric Company.

[Filed with Secretary of State January 17, 1953]

Pacific Gas and Electric Co. anniversary

WHEREAS, A century ago in San Francisco, a small gas company was founded which over the years was to progress and to grow, until today, its successor, the Pacific Gas and Electric

Company, is one of the largest privately owned public service corporations in the world; and

WHEREAS, The Pacific Gas and Electric Company and its predecessors have served the people of Northern California efficiently and well; and

WHEREAS, The Pacific Gas and Electric Company now serves as an outstanding example of the great benefits which can accrue to all people by enlightened and sagacious management of private enterprise; and

WHEREAS, The Pacific Gas and Electric Company has, during the 100 years of its existence, always been a pioneer on the road to progress, helping in no small measure to raise the State of California to the pinnacle of greatness which the State has achieved among the states of the Union and among the nations of the world; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of this Legislature extend heartiest congratulations to the Pacific Gas and Electric Company on the occasion of its centennial, and commend the Pacific Gas and Electric Company upon the completion of 100 years of faithful and conscientious service to the people of California; and be it further

Resolved, That a copy of this resolution, suitably engrossed, be sent to James Black, President of the Pacific Gas and Electric Company.

CHAPTER 32

Senate Concurrent Resolution No. 23—Relative to the appointment of the State Controller as accounting officer for the Legislature for tax and other purposes.

[Filed with Secretary of State January 17, 1953]

Accounting officer of Legislature

WHEREAS, Each department of the government of this State is accountable to the Federal Government for the payment of the withheld tax which is deducted from the salaries of the officers and employees of such departments, and discharges its responsibility in this respect through its own fiscal officer; and

WHEREAS, The State Controller has customarily been designated by concurrent resolution as accounting officer of the Legislature for such purposes, and has been designated by statute to make deductions under the Legislators' Retirement Law; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Controller be and he is hereby designated as the accounting officer for the Legislature and each house thereof, and authorized to maintain accounts of amounts paid to the Members of the Legislature, attaches thereof, and attaches and employees of such committees of the Legislature as may from time to time exist for purposes of

making deductions and filing returns with the Federal Government in connection with the withheld tax or any other tax that may provide for salary deductions, and for purposes of making deductions and filing returns of retirement and other deductions provided by law, and other purposes; and be it further

Resolved, That there is hereby appropriated and made available from the Contingent Funds of the Senate and Assembly, equally, a sum not to exceed six hundred seventy-five dollars ($675) per month for the purpose of defraying the expenses of the Controller in carrying out the duties imposed upon him by this resolution, to be disbursed, after approval by the Chairman of the Rules Committee of the Senate and the Chairman of either the Rules Committee or the Process Committee of the Assembly, upon warrants drawn by the State Controller upon the State Treasurer; and be it further

Resolved, That this resolution shall become effective February 1, 1953, and shall be of no further force or effect after January 31, 1955.

CHAPTER 33

Senate Concurrent Resolution No. 28—Approving amendments to the charter of the City of Pacific Grove, a municipal corporation in the County of Monterey, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of November, 1952.

[Filed with Secretary of State January 17, 1953]

City of Pacific Grove Charter amendments

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of amendments hereinafter set forth to the charter of the City of Pacific Grove, a municipal corporation in the County of Monterey, State of California, as set out in the certificate of the mayor and the city clerk of said city as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF MONTEREY } ss.
CITY OF PACIFIC GROVE

Certificate

We, the undersigned, John S. Nelson, Mayor of the City of Pacific Grove, and John D. Irwin, City Clerk and Treasurer of said City, do hereby certify and declare as follows:

That the City of Pacific Grove, a municipal corporation in the County of Monterey, State of California, is now, and at all times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants and less than fifty thousand inhabitants, and has been ever since the 22nd day of April, 1927, and is now, organized, existing, and acting under a freeholders' charter adopted under and by virtue of Section 8, Article XI, of the Constitution of the State

of California, which charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on the 9th day of April, 1927, and approved by the Legislature of the State of California by a concurrent resolution approved by the Legislature of the State of California on the 22nd day of April, 1927 (Statutes 1927, page 2329).

That pursuant to, and in accordance with, the provisions of Section 8, Article XI of the Constitution of the State of California, and the appropriate sections of the Election Code of the State of California, the Council of the City of Pacific Grove, being the legislative body thereof, on its own motion, duly and regularly submitted three proposals for the amendment of certain sections of the Charter of said City, to be voted upon by the qualified electors of said City at a special municipal election held in said City on the 4th day of November, 1952, which said election was consolidated with the California State general election held on said date, which said proposals were designated as Proposition No. 1, Proposition No. 2 and Proposition No. 3, respectively, but designated on said general election ballot as Proposition A, Proposition B and Proposition C, respectively.

That pursuant to resolution duly adopted by the City Council of said City of Pacific Grove, being its Resolution No. 3946 passed and adopted on August 29, 1952, the said proposed Charter amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in the Pacific Grove Tribune, a weekly newspaper of general circulation published in said City of Pacific Grove, and the official newspaper of said City, in the editions thereof published on the 5th day of September, 1952, and on the 12th day of September, 1952, those being the days on which said paper was published in the respective weeks.

That copies of said proposed Charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Pacific Grove was published in the said Pacific Grove Tribune, a weekly newspaper of general circulation in said City, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said proposed Charter amendments could be had upon application therefor at the office of said City Clerk until the day fixed for said special municipal election.

That the Council of the City of Pacific Grove, being the legislative body of said City, by its Resolution No. 3946, did order the submission of said proposed amendments to the Charter of said City at said special municipal election to be held on November 4, 1952, in conjunction with the California State general election held on said date, according to the terms of the Charter of said City of Pacific Grove and the election code of the State of California, providing for special municipal elections, and the consolidation thereof with a State general

election, which Resolution was pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, and the date of said special municipal election was at least forty days after the completion of the advertising of the proposed Charter amendments in said official newspaper of said City and was not more than sixty days after the completion of said advertising and did provide in said Resolution for the submission of the proposed amendments to the Charter of said City to the qualified electors of said City for their ratification at such special municipal election.

That thereafter said special municipal election was duly and regularly held on Tuesday, November 4, 1952, in conjunction with said State general election held on said date.

That at said election a majority of the qualified electors voting on said proposals to amend the Charter of said City of Pacific Grove voted in favor of Propositions No. B and No. C but rejected Proposition No. A.

That said amendments to the Charter so ratified by the qualified electors of the City of Pacific Grove at said special municipal election are in words as follows, to-wit:

Proposition No. B. (2) Shall the following language be added to Section 19, "the initiative and referendum."

Initiative, referendum and recall petitions

"Petitions for exercising the initiative, referendum, or recall shall not be circulated, but shall be deposited for signatures in not less than three (3), nor more than seven (7) public places in the City, to be designated by the Council. Notice of the deposit thereof shall be given by publication for three or more times in one or more newspapers published and circulated in said City. The Council shall provide by ordinance the detailed procedure for carrying out the provisions of this Section."

Proposition No. C. (3) Shall Section 14-A be added to the Charter of the City of Pacific Grove:

"Section 14-A.

Duties of City Assessor and Tax Collector

The duties of the City Assessor and/or Tax Collector may be delegated to the County of Monterey, as may be prescribed by ordinance."

And we further certify that we have compared the foregoing amendments with the original proposals filed and submitted to the qualified electors of the City of Pacific Grove, as aforesaid, and find that the foregoing are full, true, and exact copies thereof.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Seal of said City of Pacific Grove to be affixed hereto this 8th day of January, 1953.

JOHN S. NELSON
(SEAL) Mayor of the City of Pacific Grove
JOHN D. IRWIN
City Clerk of Said City

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and

submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Pacific Grove as presented to, and adopted, and ratified by the electors of said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of said City of Pacific Grove. Approval

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CHAPTER 34

Senate Concurrent Resolution No. 29—Relative to the case of United States v. Fallbrook Public Utility District, et al.

[Filed with Secretary of State January 17, 1953]

WHEREAS, On the twenty-fifth day of January, 1951, the Attorney General of the United States acting at the request of the Secretary of the Department of Navy, commenced an action in the United States District Court for the Southern District of California, Southern Division, being civil action No. 1247—SD against the Fallbrook Public Utility District and numerous other defendants who own lands in the San Diego and Riverside Counties situated within the watershed of the Santa Margarita River; and U S v Fallbrook Public Utility District

WHEREAS, In its complaint the United States claimed that all of the defendants, whether riparian, overlying landowners, or appropriators, were by their diversions, "encroaching" upon "the paramount rights" of the United States and asked the court to "forever enjoin those defendants from encroaching or infringing upon * * * the rights of the United States" as in its complaint set forth; and

WHEREAS, The Legislature of the State of California in its Assembly Joint Resolution No. 8 of the 1952 Regular Session, denounced the action brought by the United States as an unwarranted and unnecessary threat to the water laws of the State of California, and the water rights of its citizens; and

WHEREAS, To assist the harrassed defendants and to better prepare a defense against the threatened assault upon the State's property and the State's rights to control, regulate and dispose of the use of the waters of the Santa Margarita River, the Legislature appropriated in the Budget Act of 1952 one hundred fifty thousand dollars ($150,000), to be expended by the Division of Water Resources of the Department of Public Works for surveys and investigation of the water resources of the Santa Margarita River watershed and for the use and distribution of the waters thereof for beneficial purposes, and

WHEREAS, A substantial portion of the money so appropriated by the Legislature remains unexpended; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Engineer and the Division of Water Resources are requested to render to the Fallbrook Public Utility District and to the other public agencies defendants in the action in the case of United States v. Fallbrook Public Utility District all such engineering and legal assistance as may be possible within the limits of the appropriation made by Item 262.5 of the Budget Act of 1952, to the end that justice may be done and the laws of the State of California upheld and the jurisdiction of the Division of Water Resources of the State be recognized and established and the proper administration of our water laws by state officials be freed from threats of federal interference; and be it further

Resolved, That the Secretary of the Senate is directed to submit a copy of this resolution to the State Engineer and the Fallbrook Public Utility District.

CHAPTER 35

Senate Concurrent Resolution No. 32—Relative to approving an amendment to the charter of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said county at the general election held therein on the fourth day of November, 1952.

[Filed with Secretary of State January 17, 1953]

Santa Clara County Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the charter of the County of Santa Clara, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and county clerk of the said county as follows, to wit:

CERTIFICATE OF ADOPTION

By the Qualified Electors of the County of Santa Clara at the General Election Held Therein on the 4th Day of November, 1952, of Certain Amendments to the Charter of the County of Santa Clara, State of California.

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } ss.

Certificate

WE, the undersigned, William S. Pfeifle, Chairman of the Board of Supervisors of the County of Santa Clara, State of California, and E. T. McGehee, County Clerk of said County and ex-officio Clerk of the Board of Supervisors of the County of Santa Clara, State of California, do hereby certify and declare as follows:

That the County of Santa Clara was at all times herein mentioned and now is a body corporate and politic and a political subdivision of the State of California and is now and has been since the 4th day of September, 1951, organized and acting under and by virtue of a Freeholders' Charter adopted under and pursuant to provisions of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at a general election held for that purpose on the 7th day of November, 1950, and approved by the Legislature of the State of California on the 5th day of June, 1951, and filed in the office of the Secretary of State on the 5th day of June, 1951.

That the Board of Supervisors of said County, pursuant to the provisions of Section 7½ of Article XI of said Constitution, did, by resolutions and orders regularly passed and duly adopted on the 15th day of September, 1952, and the 17th day of September, 1952, propose to the qualified electors of said County of Santa Clara three (3) amendments to the Charter of said County, designated as Propositions 1, Alternate A and Alternate B, 2, and 3, and ordered that said amendments be submitted to said qualified electors of said County at a general election to be held in said County on the 4th day of November, 1952, which date was fixed by law as the date of holding said general election.

That said three (3) proposed Charter amendments to the Charter of the County of Santa Clara were duly and regularly published for ten (10) times in the San Jose Mercury, a daily newspaper of general circulation printed, published and circulated in said County, on September 22, 23, 24, 25, 26, 27, 28, 29, 30, October 1 and 2, 1952.

That said general election was held in said County of Santa Clara on November 4, 1952, which said day was not less than thirty (30) days nor more than sixty (60) days after said proposed amendments to said Charter had been published for ten (10) times in said San Jose Mercury.

That thereafter the returns of said general election held in the County of Santa Clara on November 4, 1952, at which said election said three (3) proposed amendments were duly submitted to the vote of the qualified electors of said County of Santa Clara, were made to and canvassed by the County Clerk of the County of Santa Clara and by said officer certified to the Board of Supervisors of said County, and said Board of Supervisors did on the 1st day of December, 1952, duly enter on the records of said Board of Supervisors a statement of the result of said canvass and said election in the form and manner prescribed by law.

That at said general election held on November 4, 1952, proposed County Charter amendments designated as Proposition No. 1—Alternative A, Proposition No. 2 and Proposition No. 3, and each of them, were ratified by a majority of the electors of said County of Santa Clara voting thereon. That proposed Charter amendment designated Proposition No. 1—Alternative

B, submitted at said general election, received less than a majority of the votes of the electors voting thereon and was not ratified. That said Charter amendments so ratified by the electors of said County of Santa Clara are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with and pursuant to the provisions of Section 7½ of Article XI of the Constitution of the State of California.

That said Charter amendments are in words and figures as follows, to-wit:

CHARTER AMENDMENT PROPOSITION NO. 1

Alternative A:

Section 600 of the Charter of the County of Santa Clara is hereby amended by adding to the list of the elective County Officers the "Sheriff."

The amended Section will then read:

Elective officers

"Section 600. Elective County Officers. The elective County officers shall be the:

Members of the Board of Supervisors
Assessor
District Attorney
Superintendent of Schools
Justices of the Peace
Sheriff

Such officers, other than the members of the Board of Supervisors, shall be nominated and elected at the times, and in the manner, and shall hold office for the terms provided by general law. Whenever a vacancy occurs in the offices named in this section, such vacancy shall be filled by the appointment by the Board of Supervisors of a qualified elector of the County who shall hold office until the election and qualification of his successor. At the next general election following any vacancy a successor shall be elected to serve for the remainder of any unexpired term, unless such term is to expire on the first Monday in January of the year succeeding such general election."

CHARTER AMENDMENT PROPOSITION NO. 2

Compensation of appointees

The fourth paragraph of Section 604 of the Charter of the County of Santa Clara is hereby amended to read as follows:

"The members of appointive boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for traveling and other expenses authorized by the Board of Supervisors when on official duty of the County. Any person rendering voluntary service to the County and who is not receiving monetary compensation for such service shall be eligible for appointment to or serve on any board or commission."

CHARTER AMENDMENT PROPOSITION No. 3

Section 810 of the Charter of the County of Santa Clara is hereby amended to read as follows:

"Section 810. Rights of Officers and Employees. Any officer or employee holding a position under the Classified Service shall be subject to suspension without pay for a period of not to exceed thirty days in any one calendar year, or to demotion or to removal from his position, but subject to the rights of the employee, other than one serving a probationary period on an original appointment, to a hearing before the Personnel Board in the manner set forth herein.

Rights of officers and employees re Classified Service

Notice of such suspension, demotion or removal shall be in writing and shall specify the date and hour when it is to become effective. A copy of such notice shall be delivered to the Director of Personnel for delivery to the Personnel Board.

Such employee shall be entitled to receive, upon his request, at the office of the board or officer taking such action, a written statement in which shall be separately stated each of the charges against him upon which such suspension, demotion or removal is based, a copy of which statement shall be furnished to the Director of Personnel for delivery to the Personnel Board.

Unless such request by the employee is made in writing within five days after receipt of the notice of suspension, demotion or removal, said employee shall be deemed to have waived all rights to a hearing before the Personnel Board.

The written statement of charges shall be furnished to said employee within five days after receipt of his request therefor. Such employee shall have ten days after receipt of such written statement within which to file an answer to such statement of charges should he desire to do so, and the filing of such an answer shall be deemed to be an automatic request for a hearing before the Personnel Board unless said employee otherwise indicates. Copies of the request for specific charges, the statement of specific charges. and the answer to such charges shall be furnished to the Director of Personnel for delivery to the Personnel Board.

If the board or officer taking such action fails to supply said employee with a written statement of the charges within the above specified time, the employee shall be entitled to request a hearing within the ten days next following the expiration of said five-day period.

If a hearing is required, the Personnel Board shall conduct said hearing on the suspension, demotion or removal, which shall be called and held as provided for in the rules. The hearing shall be public, may be conducted informally, and the rules of evidence need not apply.

The Personnel Board shall make written findings as to each charge. Such Board shall also set forth in writing its conclusions based upon such findings, and within ten days after concluding the hearing, shall certify its findings, conclusions and decisions to the board or officer involved, to the County Executive, and to the employee.

The findings, conclusions and decisions of the Personnel Board shall be advisory only, and the decision of the County Executive with respect to such recommendations shall be final and conclusive and no appeal shall be taken therefrom.

Such suspended, demoted or removed employee shall be reinstated in his position immediately without loss of continuity of service or compensation if the charges brought against him are not sustained by the decision of the County Executive.

When a hearing is had by the Personnel Board upon an order of dismissal, demotion or suspension, the vacancy in the position shall be considered a temporary vacancy pending final action by the County Executive. Such position shall be filled only by a temporary appointment by the board or officer having the appointive power."

That the foregoing proposed and ratified amendments to the Charter of the County of Santa Clara, submitted to the electors of said County at a general election held in said County on November 4, 1952, have been compared with the original proposals which were submitted to the electors of said County of Santa Clara on said date, pursuant to the resolutions of the Board of Supervisors of the County of Santa Clara hereinabove referred to, and that the foregoing Charter amendments are full, true and correct and exact copies thereof, and we further certify that the facts set forth in the certificate preceding said Charter amendments are, and each of them is, true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused this Certificate of Adoption to be authenticated by the Seal of the Board of Supervisors of the County of Santa Clara, State of California, this 29th day of December, 1952.

WILLIAM S. PFEIFLE
(SEAL) Chairman of the Board of Supervisors of the County of Santa Clara, State of California.

E. T. MCGEHEE
County Clerk of the County of Santa Clara, State of California, and exofficio Clerk of the Board of Supervisors of said County.

The foregoing instrument is a correct copy of the original on file in this office.

Attest: E. T. MCGEHEE, Clerk
By R. OLSON
Deputy

Dated: January 5, 1953
and

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth, has been and now is duly presented and sub-

mitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendment to the charter of the County of Santa Clara, as presented to, and adopted, and ratified, by the electors of said county and as hereinbefore fully set forth, be, and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to, and as a part of, the charter of said County of Santa Clara. Approval

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CHAPTER 36

Senate Joint Resolution No. 9—Relative to the shortage of hospital beds for California veterans.

[Filed with Secretary of State January 17, 1953]

WHEREAS, There is an alarming shortage of hospital beds available in California for California veterans provided by the Veterans Administration, and the number has been decreased by 2,000 beds since June, 1950; and Veterans' hospital beds

WHEREAS, There are approximately 4,600 veterans in California state mental institutions of which approximately 1,500 have service-connected disabilities entitling them to hospitalization and care by the Veterans Administration; and

WHEREAS, In October of 1946 the Federal Government approved the building of a 1,000-bed neuropsychiatric hospital in San Francisco, which hospital has never been built due to the failure of the Federal Government to appropriate funds to build this hospital; and

WHEREAS, A 200-bed general, medical and surgical hospital in San Diego was approved but has never been built due to the failure of the Federal Government to appropriate the necessary funds therefor; and

WHEREAS, The standard of medical care for California veterans in the existing hospitals has been adversely affected by reductions in the budget of the Veterans Administration; and

WHEREAS, It is a well known fact that hundreds of thousands of veterans have been migrating to the State of California from every state of the Union since the close of World War I and the veteran population of California will continue to increase by reason of the Korean emergency, and for that reason applications by veterans for hospitalization have shown a steady increase; and

WHEREAS, The Veterans Administration has not only caused a cutback in the number of operating beds, but it has also reduced the standard of medical care, the amount of out-patient treatment for veterans, the amount of medical research, and a

shortage in the medical supplies in these veterans hospitals; now, therefore, be it

Resolved, by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorialize the Congress of the United States to enact legislation and to appropriate moneys necessary to bring the Veterans Administration Hospital Program to the needed standards to meet the needs of the veteran population of California; and be it further

Resolved. That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Defense, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 37

Senate Concurrent Resolution No. 21—Relative to adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling

[Filed with Secretary of State January 17, 1953]

Constitutional recess

WHEREAS, Section 2 of Article IV of the Constitution of this State requires that, after the Legislature has been in session for a period of not exceeding 30 days a recess must be taken by both houses for a period of not less than 30 days; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the 1953 Regular Session of the Legislature of the State of California shall adjourn for said recess at 6 o'clock p.m. on the seventeenth day of January, 1953, and shall reassemble at 12 o'clock m. on February 24, 1953.

CHAPTER 38

Assembly Joint Resolution No. 4—Relative to requesting the Fish and Wildlife Service of the United States Department of the Interior to establish a special season for the taking of migratory game birds.

[Filed with Secretary of State January 20, 1953]

Migratory game birds season

WHEREAS, Wild geese, widgeons, and coots are migratory game birds, the taking of which is regulated by the United States pursuant to certain treaties with Mexico and Canada in accordance with the Federal Migratory Bird Treaty Act; and

WHEREAS, The Migratory Bird Treaty Act is administered by the Fish and Wildlife Service of the United States Depart-

ment of the Interior and said service is authorized to fix the seasons during which migratory birds may be taken; and

WHEREAS, The current seasonal migration of wild geese, widgeons, and coots is somewhat later than usual and the open season prescribed for the taking of wild geese, widgeons, and coots has expired with the result that great numbers of widgeons are descending upon and devouring the growing lettuce and other green crops in the Imperial and Coachella Valleys and great numbers of wild geese and coots are descending upon and devouring the barley, alfalfa, and other green crops in the San Joaquin Valley and the Sacramento Valley; and

WHEREAS, The fact that the birds may not be shot at results in their remaining in flocks so that an entire flock will land on one field and completely destroy the crop growing thereon which is far more burdensome on the individual farmer than the depredations of the birds when they are scattered as they are during the open seasons; and

WHEREAS, It is estimated that the total loss from such depredations during the current growing season may exceed millions of dollars and that such loss could be greatly reduced if the birds could be shot at; and

WHEREAS, The establishment of a special season for wild geese and coots in the San Joaquin Valley and the Sacramento Valley and for widgeons in the Imperial and Coachella Valleys would keep the birds scattered, tend to drive them to the refuges and feeding grounds provided for them, and eliminate the destruction of entire fields of crops of the individual farmers concerned; and

WHEREAS, The establishment of such special seasons on wild geese, widgeons, and coots is urgently necessary to prevent great and irreparable loss to the farmers of this State; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California hereby urgently requests the Director of the Fish and Wildlife Service of the United States Department of the Interior to take immediate steps to provide for an open season on widgeons in the Imperial and Coachella Valleys and an open season on wild geese and coots in the San Joaquin Valley and the Sacramento Valley in the State of California, said open seasons to cover the remaining portion of January and all of February, 1953; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Honorable Albert M. Day, Director of the Fish and Wildlife Service, Department of the Interior, Washington, D. C., and to each Senator and Representative from California in the Congress of the United States; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to inform said Albert M. Day, by telegram, of the purport of this resolution.

CHAPTER 39

Assembly Joint Resolution No. 5—Relative to the use of the word "California" on labels of garments manufactured by out-of-state garment manufacturers.

[Filed with Secretary of State January 20, 1953]

"California" garment Labels

WHEREAS, For several years the apparel industry in California has been concerned over injuries to it suffered as a result of the practice by some out-of-state firms of labeling their apparel in such manner as to lead the public to assume that such goods are manufactured in California; and

WHEREAS, By the use by out-of-state firms of the word "California," or other similar devices, such firms are attempting to capitalize on the sales value of said word in connection with the apparel industry, which word the public has learned to associate with superior styling of certain apparel manufactured in California; and

WHEREAS, Such practice has been sufficiently widespread to be of a major concern to the apparel industry of California and is injurious to other California industries which use the name "California" on their labels; and

WHEREAS, Under the federal law (15 U.S.C.A. Sec. 1125) any person who affixes or uses in connection with any goods or services a false designation of origin and with knowledge of such falsity causes or procures the same to be transported or used in commerce is liable to a civil action by any person doing business in the locality falsely indicated as that of origin or by any person who believes that he is or is likely to be damaged by the use of such false description or representation; and

WHEREAS, Lawsuits instituted for the purpose of enjoining such activities and for the collection of damages suffered thereby are costly, lengthy, and in many cases unsuccessful due to the difficulty of proof required; and

WHEREAS, The Federal Trade Commission has in some instances, under its power to prohibit unfair methods of competition, investigated such activities; and

WHEREAS, It is felt by the Legislature of the State of California that this is the most proper and efficient method of controlling such unfair activities and that the Federal Trade Commission should, with renewed vigor, continue its patrol of such offenses and in proper cases issue cease and desist orders; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Federal Trade Commission be respectfully requested to henceforth investigate all instances of the use of the word "California" on labels by firms in the apparel industry other than those who actually manufacture such apparel in California and, in the proper cases, issue cease and desist orders; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the President and Vice

President of the United States, to the chairman of the Federal Trade Commission, and to each Senator and Representative in the Congress of the United States from California.

CHAPTER 40

Assembly Joint Resolution No. 6—Relative to the production of narcotics within the United States of Mexico and other countries and the transportation and flow thereof into the United States.

[Filed with Secretary of State January 20, 1953]

Production and transportation of narcotics

WHEREAS, The use of and traffic in illicit narcotics is an increasingly serious problem within the United States, leading to the commission of many serious crimes and to the degradation of many of our citizens; and

WHEREAS, The production of illicit narcotics is largely confined to countries and territories outside of the United States, including the United States of Mexico; and

WHEREAS, Effective enforcement of the narcotic laws within the United States cannot be attained without the cooperation and good offices of those countries within which illicit narcotics are produced and through which illicit narcotics flow; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the State Department to take such measures as may be necessary to secure the cooperation of the United States of Mexico and other countries in prohibiting the production of illicit narcotics within their respective boundaries and in preventing the transportation and flow of illicit narcotics into the United States; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the President and to the Secretary of State of the United States, and to each Member of Congress from the State of California.

CHAPTER 41

Assembly Concurrent Resolution No. 16—Relative to the death of Chaim Weizmann.

[Filed with Secretary of State January 20, 1953]

Death of Chaim Weizmann

WHEREAS, Chaim Weizmann, the first President of the State of Israel, has recently departed this life; and

WHEREAS, Dr. Weizmann was a scientist who did much to advance the knowledge of the world in the fields of chemistry and

biochemistry, being the developer of the first practical process to manufacture acetone on a large scale, which contributed greatly to the victory of the Allies in World War I; and

WHEREAS, He spent many years of his life organizing and fighting in the campaign to give his people a national home in Palestine, and after many years saw his efforts crowned with success; and

WHEREAS, He was a great spiritual leader as well as a practical and clear-thinking man whose unceasing efforts on behalf of his people won him world-wide renown as a statesman; and

WHEREAS, His people honored him in his later years by choosing him to be the first ruler of a Jewish state in Palestine in over 2,000 years; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring. That the Legislature of the State of California hereby expresses the deep sense of sorrow experienced by the people of California at the death of Chaim Weizmann, statesman and scientist.

CHAPTER 42

Assembly Concurrent Resolution No. 17—Relative to the Western States Conference on Training to be held in San Diego in 1953.

[Filed with Secretary of State January 20, 1953]

Western States Conference on Training

WHEREAS, The tremendous industrial expansion in the western states has created a problem of developing the necessary skilled manpower; and

WHEREAS, There is complete accord throughout the western states among labor, management, and governmental officials that the proper way to develop the needed skills in the expanding industries of the West is through apprenticeship and other training on the job; and

WHEREAS, The States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming share this problem in common with one another and recognize the reciprocal benefits to be derived from cooperation in this respect, especially through the medium of conferences in which past experiences and ideas for future beneficial activities may be exchanged; and

WHEREAS, A Western States Conference on Training was held at the Sonoma Mission Inn, Boyes Hot Springs, in California, in 1948, at the invitation of Governor Warren and the State Department of Industrial Relations, with such purposes in mind, which conference was highly successful and of great benefit to all of the states which were represented at this cooperative venture; and

WHEREAS, Another such conference has been scheduled by Governor Warren and the State Department of Industrial Relations to be held in the City of San Diego from August 2 to

9, 1953, with the governors of the same western states invited to attend; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature take this opportunity of expressing its approval of such cooperation among the great western states, all of which have many problems in common, and complimenting the governors of the western states for their cooperation in attempting to find ways of developing needed skills in the fast-growing industries of the West; and be it further

Resolved, That the Legislature, acting on behalf of the State of California, cordially invites the Governors of Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming to attend the Western States Conference on Training to be held in the City of San Diego from August 2 to 9, 1953; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the governors of the above mentioned states.

CHAPTER 43

Assembly Concurrent Resolution No. 23—Approving an amendment to the charter of the City of Pomona, County of Los Angeles, State of California, by adding to Article VII thereof a new section, numbered 52a, voted for and ratified by the electors of said city at a special municipal election held therein on the fourth day of November, 1952.

[Filed with Secretary of State January 20, 1953]

City of Pomona Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment, hereinafter set forth, to the charter of the City of Pomona, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the Mayor and President of the City Council of the City of Pomona, and the city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF POMONA

Certificate

We, the undersigned, Alan G. Orsborn, Mayor of and President of the City Council of the City of Pomona, State of California, and C. Harry Doremus, City Clerk of said City, do hereby certify as follows:

That the City of Pomona, a municipal corporation of the County of Los Angeles, State of California, is now, and at all times herein mentioned was, a City containing a population of more than Three Thousand Five Hundred inhabitants, and less than Fifty Thousand inhabitants, and has been ever since the

10th day of March, 1911, and is now, organized and acting under a freeholders Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said City voting at a special election held for that purpose on the 16th day of February, 1911, and approved by the Legislature of the State of California by Concurrent Resolution No. 20 filed with the Secretary of State of the State of California on the 10th day of March, 1911. (Statutes of 1911, page 1913).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Pomona, being the legislative body thereof, duly and regularly submitted to the qualified electors of said City of Pomona a certain proposal to amend the Charter of said City, to be voted on by said qualified electors at a Special Municipal Election called and held in said City on the 4th day of November, 1952, which said proposal was designated as Proposed Amendment to the Charter of the City of Pomona and lettered "N" on the ballot at said election.

That said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California in the Pomona Progress Bulletin, a daily newspaper of general circulation published in said City and the official paper of said City, and in each edition thereof during the day of publication, to wit: On September 19 and September 20, 1952.

That in accordance with the provisions of the Charter of the City of Pomona and Ordinance No. 1242, adopted by the Council of said City at its meeting on the 12th day of August, 1952, approved by the Mayor on the 12th day of August, 1952, and published as required by law and the provisions of said Charter, and amended by Ordinance No. 1249, adopted by the Council of said City at its meeting on the 23rd day of September, 1952, approved by the Mayor on the 23rd day of September, 1952, and published as required by law and the provisions of said Charter, a Special Municipal Election was held in said City on the 4th day of November, 1952, and pursuant to the provisions of said Charter and Resolutions No. 2399 and No. 2400, adopted by the Council of said City at its meeting on the 12th day of August, 1952, approved by the Mayor on the 12th day of August, 1952, the said proposed amendment was submitted to the qualified electors of said City for their ratification at said election, and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify the proposed amendment to the Charter of said City.

That the Council of the said City of Pomona, by Resolution No. 2400, requested the Board of Supervisors of Los Angeles County to consolidate the Special Pomona City Municipal Election with the General Statewide Election to be held on the 4th day of November, 1952, and authorized therein the Board of Supervisors of Los Angeles County to canvass the returns of the Special Municipal Election and to conduct and hold said Special

Municipal Election with the General Statewide Election as though there were one election. This Resolution was passed on the 12th day of August, 1952, by the Council of the City of Pomona, County of Los Angeles, State of California, in accordance with the provisions of Ordinance No. 1242, as amended by Ordinance No. 1249, providing for the holding of a Special Municipal Election in the City of Pomona on Tuesday, the 4th day of November, 1952, which provided for the consolidation of the election. That on the 29th day of August, 1952, the Board of Supervisors of Los Angeles County ordered consolidated with the General Statewide Election the Special Municipal Election to be held in the City of Pomona for the purpose of submitting to the qualified electors of said City for their ratification at said election the Charter Amendment herein set forth. That the Board of Supervisors of Los Angeles County, in accordance with the law in such cases made and provided, did meet on the 21st day of November, 1952, at its usual time and place of meeting, and duly canvassed the returns of said Special Municipal Election of the City of Pomona as certified by the election boards and duly found, determined, and declared that the said proposed amendment to the Charter of the City of Pomona was ratified by a majority of the electors of said City voting thereon.

That said amendment to the Charter of the City of Pomona so ratified by the electors of the City of Pomona is in the words and figures as follows, to wit:

AMENDMENT TO THE CHARTER OF THE CITY OF POMONA:

That the Charter of the City of Pomona be amended to add to Article VII thereof a new section numbered 52a to read as follows:

52a. The City of Pomona shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter; provided, however, that nothing in this Section shall be construed to prevent or restrict the City from exercising, and the city is hereby authorized to exercise, any and all rights, powers and privileges heretofore or hereafter granted to cities by the general laws of the state, unless the exercise thereof is expressly prohibited by this Charter. Powers

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct, and exact copy thereof; and we further certify that the facts set forth in the preamble preceding said amendment to said Charter is true.

That as to said amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the City of Pomona to be affixed hereto this 6th day of January, 1953.

(SEAL)

ALAN G. ORSBORN
President of the Council and
Mayor of the City of Pomona
C. HARRY DOREMUS
City Clerk of the City of Pomona

and

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth has been, and is now, duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Pomona as proposed to and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be, and the same is hereby, approved as a whole without amendment or alteration for and as amendment to and as part of the charter of the City of Pomona.

CHAPTER 44

Assembly Concurrent Resolution No. 25—Relative to the feeding of deer.

[Filed with Secretary of State January 20, 1953]

Deer feeding

WHEREAS, During the winter of 1951 and 1952, severe snowstorms in the mountain areas of the State resulting in the starving of a great number of deer with the result that the deer herds of the State were seriously depleted; and

WHEREAS, During said winter a great number of deer were saved from starvation through the efforts of the United States Army and various public and private agencies within the State; and

WHEREAS, The same conditions that existed in the winter of 1951-1952 may recur during the current winter season and losses of deer comparable to those which occurred in the 1951-1952 winter would be extremely serious; and

WHEREAS, The policy of the State relative to the feeding of game birds and mammals is declared in Section 38 of the Fish and Game Code which authorizes the feeding of game birds and mammals at such times as natural foods are not available for them; and

WHEREAS, There is sufficient money in the Fish and Game Preservation Fund which can be made available under existing

law for the purpose of carrying out the provisions of law relative to the feeding of deer at any time such feeding is necessary; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Fish and Game of the State of California is hereby requested to prepare for any emergency which might arise by reason of heavy snows in the mountain areas of the State which prevent the deer from being able to reach their natural forage and to take any and all steps found necessary to provide for the feeding of the greatest number of snowbound deer which it is possible to reach; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Director of the Department of Fish and Game.

CHAPTER 45

Assembly Concurrent Resolution No. 29—Relative to the proposed site of the Los Angeles State College of Applied Arts and Sciences.

[Filed with Secretary of State January 20, 1953]

Los Angeles State College of Applied Arts and Sciences

WHEREAS, In the year 1947 the Legislature established the Los Angeles State College of Applied Arts and Sciences to be located in the City of Los Angeles; and

WHEREAS, Said college was so established; and has been and now is, under contractual relations with the Los Angeles Board of Education, conducting its operations in conjunction with Los Angeles City College on the site of said college; and

WHEREAS, In 1952 the Legislature enacted legislation providing for the removal of Los Angeles State College of Applied Arts and Sciences to a separate campus and appropriated two million five hundred thousand dollars ($2,500,000) for the acquisition of a site; and

WHEREAS, The Department of Education, in setting the policy as to the area to be considered in locating a site, determined that only certain portions of the City of Los Angeles should be considered, and particularly determined that the San Fernando Valley (a portion of Los Angeles City) should not be explored for possible sites; and

WHEREAS, The State Superintendent of Public Instruction, Roy E. Simpson, recommended to the Public Works Board that a 145-acre site located on the northeast edge of Baldwin Hills, lying slightly west of the intersection of Crenshaw Boulevard and Santa Barbara Avenue, bounded on the west by La Brea Avenue, be selected as the site of the Los Angeles College of Applied Arts and Sciences; and

WHEREAS, On November 26, 1952, the Public Works Board gave approval to the Baldwin Hills site; and

WHEREAS, Legislative investigation of the site since the action taken by the board indicates that the site selected may not be the best site for a state college; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Public Works Board forthwith rescind its action whereby it approved a site near the Baldwin Hills as the site for the Los Angeles State College of Applied Arts and Sciences; and be it further

Resolved, That the Public Works Board and the Department of Education and the Department of Finance forthwith cease from any and all further negotiation or action to purchase or acquire a new site for the Los Angeles State College of Applied Arts and Sciences until full and due consideration has been given to the feasibility and practicability, economic and educational advantages of all sites in the City of Los Angeles not heretofore considered, including, but not limited to, those sites located in the San Fernando Valley, and be it further

Resolved, That copies of this resolution be transmitted to the Honorable Earl Warren, Governor of the State of California, Honorable Roy E. Simpson, Superintendent of Public Instruction, James Dean, Director of the Department of Finance, and all members of the Public Works Board.

CHAPTER 46

Assembly Concurrent Resolution No 30—Relative to honoring the memory of Dr George Henry Hecke.

[Filed with Secretary of State January 20, 1953]

Death of Dr George Henry Hecke

WHEREAS, In the death of Dr. George Henry Hecke near Woodland on January 13, 1953, California lost a revered citizen, scholar, and well-known horticulturist, and the people of Woodland mourn a beloved friend and neighbor; and

WHEREAS, George H. Hecke was a native of Hamburg, Germany, attending horticultural colleges in Germany, then residing in France where he gained valuable experience in the propagation of wine grapes; and

WHEREAS, He later traveled to London where he became gardener for the Royal Kew Gardens and was commissioned to landscape the grounds surrounding the Queen Victoria Statue; and

WHEREAS, In 1891 George H. Hecke came to California as a horticulturist for the Kern County Land Company, and settling in Woodland the following year he became foreman on the Byron Jackson Ranch, and he later purchased the Yolanda Ranch where he built his country estate home, in which place he came to final rest; and

WHEREAS, He served as the State Director of Agriculture from 1916 to 1932, he directed the fight against the dreaded hoof and mouth disease epidemic of 1924 and played a leading

part in the establishment of the experimental farm at the College of Agriculture, Davis; and

WHEREAS, Doctor Hecke served for several years as Yolo County Farm Adviser, helped to lay the foundation of the present State Agricultural System, aided in the establishment of quarantine laws throughout the West, was a member of the National Association of Agricultural Directors and was awarded an honorary doctor of laws degree in 1936 by the University of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature express deep regret at the closing of a life and the passing of a spirit which has so richly served his community and our beloved State; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send suitably prepared copies of this resolution to Mrs Leila Hardy, and to Miss Martha Hecke, daughters; and be it further

Resolved, That when the Legislature adjourns this day it shall do so in honor of Dr. George Henry Hecke.

CHAPTER 47

Assembly Concurrent Resolution No. 31—Relative to the retirement of Anson S. Blake from long service as chairman of the University Y. M. C. A. Board.

[Filed with Secretary of State January 20, 1953]

WHEREAS, Anson S. Blake has reached the time of retirement after serving the University Young Men's Christian Association as chairman of the board for 50 consecutive years; and Anson S Blake

WHEREAS, This "Grand Old Man of Stiles Hall" has won the hearts of two generations of students of the University of California at Berkeley by his rare and wonderful devotion; and

WHEREAS, The name of Anson S. Blake first appeared in the student minutes of the University Y. M. C. A. 63 years ago when it was recorded he had contributed $100 for a new "Y" building, and the generous gift of his grandmother, Mrs. Anson Gale Stiles, made possible the present Stiles Hall, and the unique service of this unassuming businessman has done so much to make the University "Y" one of the most distinguished and influential organizations of its kind in the Nation; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature joins with thousands of other Californians in congratulating Anson S. Blake upon his retirement from half a century of noble service to young Californians; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably engrossed copies of this resolution to Anson S. Blake and Harry L Kingman.

CHAPTER 48

Assembly Concurrent Resolution No. 33—Relative to the passing of Mrs. George J. Hatfield.

[Filed with Secretary of State January 20, 1953]

Death of Mrs George Hatfield

WHEREAS, The Members of the California Legislature have been profoundly shocked to learn of the death, on January 17, 1953, of Judith Hogan Hatfield, the wife of the Honorable George J. Hatfield, Senator from Merced and Madera Counties; and

WHEREAS, Mrs. Hatfield was a member of a prominent San Joaquin Valley family being a granddaughter of Colonel J. J. Stevinson, who was one of the pioneers in water development and irrigation in said valley; and

WHEREAS, On December 12, 1917, as Judith Barlow Hogan, she married George J. Hatfield in San Francisco and leaves two daughters, Mrs. Janine Snyder of Berkeley, California, and Mrs. Georgette Kelley of Newman, California; and

WHEREAS, Mrs. Hatfield was a woman of great charm and striking personality whose passing will be a great loss to all who knew her; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the California Legislature hereby express their profound sorrow for the death of Mrs. George J. Hatfield and hereby extend their deepest and most sincere sympathy and condolences to her surviving husband, George J. Hatfield, and her surviving daughters, Mrs. Janine Snyder and Mrs. Georgette Kelley; and be it further

Resolved, That when the Legislature adjourns this day it shall do so out of respect of the memory of Judith Hogan Hatfield; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit suitably prepared copies of this resolution to Senator Hatfield, Mrs. Janine Snyder and Mrs. Georgette Kelley.

CHAPTER 49

Assembly Concurrent Resolution No. 8—Approving the charter of the City of Riverside, County of Riverside, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the sixteenth day of September, 1952.

[Filed with Secretary of State February 4, 1953]

City of Riverside Adoption of charter

WHEREAS, The City of Riverside, in the County of Riverside, State of California, contains a population in excess of 3,500 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California; and

WHEREAS, Proceedings have been had in and taken by the said City of Riverside for the preparation, proposal, adoption, and ratification of a charter for the government of said City of Riverside, all as set forth in the following certificate of the mayor and city clerk of said City of Riverside, to wit:

CERTIFICATE OF ADOPTION OF NEW CHARTER CITY OF RIVERSIDE

STATE OF CALIFORNIA }
COUNTY OF RIVERSIDE } ss
CITY OF RIVERSIDE }

We, the undersigned, William C. Evans, Mayor of the City of Riverside, State of California, and Winfield G. Waite, City Clerk of said City and ex-officio Clerk of the City Council of said City, do hereby certify and declare as follows: Certificate

That at all times since the 22nd day of March, 1929, the City of Riverside has been and now is a municipal corporation and city in the County of Riverside, State of California, containing a population of more than 3,500 inhabitants, and organized and existing under a charter adopted pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California and ratified by the Legislature by Assembly Concurrent Resolution No. 20, adopted March 22, 1929.

That the legislative power of said City is vested in a Council consisting of seven members; and that the City Clerk of said City is ex-officio Clerk of the legislative body of said City.

There is no official newspaper of said City. The Riverside Daily Press hereinafter mentioned is a daily newspaper of general circulation within said City and printed and published therein.

That at all times herein mentioned William C. Evans has been and now is the duly elected, qualified and acting Mayor of said City of Riverside, and Winfield G. Waite has been and now is the duly elected, qualified and acting City Clerk of said City.

That pursuant to and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the said City of Riverside, of its own motion, passed and adopted an ordinance No. 1623 on the 26th day of June, 1951, calling a special municipal election to be held in the said City of Riverside on Tuesday the 7th day of August, 1951, for voting on the question "Shall a board of Freeholders be elected to frame a proposed new charter?" and for choosing freeholders Said ordinance was passed and adopted by the unanimous vote of the seven members of the Council.

Electors of said City of Riverside who were qualified and eligible as candidates for the office of freeholders, were duly nominated. Notice of said special municipal election called by said Ordinance No. 1623 to be held on the 7th day of August, 1951, was duly given by publication in said Riverside Daily

Press on the 6th day of July, 1951; and notice of the measure to be voted on and of nominees for public office of freeholder to be voted for at said election, was published in said Riverside Daily Press on the 20th and 27th days of July, 1951.

The special municipal election called and proclaimed by said Ordinance No. 1623 was duly held and conducted in said City of Riverside on Tuesday, the 7th day of August, 1951. At such election the duly registered and qualified electors of said City voted first on the question "Shall a board of freeholders be elected to frame a proposed new charter?", and secondly for the candidates of the office of freeholder.

The governing body of the said City of Riverside, being the Mayor and Council, met at their usual place of meeting on the 14th day of August, 1951, and canvassed the returns of said special municipal election, and it was determined that the first question received 5498 favorable votes and 445 unfavorable votes; and that the fifteen candidates for the office of freeholder, whose names are signed to the hereinafter mentioned Charter as members of the Board of Freeholders, are the fifteen candidates receiving the highest number of votes at said election Upon completion of said canvass, the said governing body passed by unanimous vote of seven members of the Council, a resolution reciting the fact of the election and declaring elected to the office of freeholder the fifteen persons having the highest number of votes for that office; and the clerk of the governing body thereupon entered a statement of the results of the election as required by law.

The City Clerk immediately signed and delivered a certificate of election to each person elected to the office of freeholder and the freeholders qualified and took the oath of office and the loyalty oath Said Board of Freeholders organized and prepared and proposed a Charter for the government of said City of Riverside within one year after the result of the election was declared, and the said Charter was signed by all fifteen members of the Board of Freeholders and was filed in the office of the Clerk of the legislative body of the City of Riverside on the 24th day of June, 1952.

The legislative body of said City of Riverside did, within fifteen days after filing such proposed Charter, cause it to be published once in the said Riverside Daily Press, and caused copies of such Charter to be printed in convenient pamphlet form and in type of not less than 10-point, and caused such copies to be mailed to each of the qualified electors of said City; and said legislative body caused a notice to be advertised in said Riverside Daily Press that copies of said Charter could be had upon application therefor at the office of the City Clerk of said City. That said Charter was published in all editions of said Riverside Daily Press on the 8th day of July, 1952; and that said notice that copies of said Charter were available was published in every edition of said newpaper published during the period beginning on the 8th day of July, 1952, and ending on the 16th day of September, 1952. Copies of said Charter were

duly mailed to each of the voters in the said City during the period of time beginning July 17, 1952, and ending August 1, 1952. On the 5th day of August, 1952, the legislative body of the City of Riverside, California, by the affirmative vote of seven members of the Council, passed and adopted Ordinance No. 1778 called a special municipal election to be held in said City on the 16th day of September, 1952, for the purpose of submitting to the qualified voters of said City of Riverside the proposition "Shall the proposed Charter of the City of Riverside, which was prepared and proposed by a duly elected Board of Freeholders and filed in the office of the City Clerk on June 24, 1952, be ratified and adopted?"; and consolidating said special municipal election with the municipal primary election to be held in said City on said date. That notice of said election and of said ordinance was duly published in said Riverside Daily Press on August 13, 1952. Notice of the measures to be voted on at said special municipal election consolidated was published in said Riverside Daily Press on September 2nd, and September 9th, 1952.

The said Board of Freeholders fixed Tuesday, September 16th, 1952, as the date of the election at which said proposed charter should be submitted to the electors of said City of Riverside.

That on the 16th day of September, 1952, the said special municipal election, consolidated with the municipal primary election, was duly held and conducted in said City of Riverside, and the voters voted on the measure "Shall the proposed Charter of the City of Riverside, which was prepared and proposed by a duly elected Board of Freeholders and filed in the office of the City Clerk on June 24, 1952, be ratified and adopted?". The governing body of said City of Riverside, being the Mayor and Council, met at their usual place of meeting on the 23rd day of September, 1952, and canvassed the returns of said special municipal election consolidated, and it was found and determined that there were 8,845 votes for the ratification of the Charter and 4656 votes against the ratification of the Charter. Upon completion of said canvass the said governing body passed by unanimous vote of the seven members of the Council a resolution reciting the fact of said election and declaring the result thereof; and the Clerk of the governing body thereupon entered a statement of the results of said election as required by law.

That said Charter, so prepared, proposed, filed and ratified as hereinabove set forth, together with the certificate and signatures of the members of the Board of Freeholders attached thereto, is in words and figures as follows, to-wit:

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CHARTER OF THE CITY OF RIVERSIDE

We, the people of the City of Riverside, State of California, do ordain and establish this Charter as the organic law of the City under the Constitution of the State.

ARTICLE I

INCORPORATION AND SUCCESSION

Name and boundaries

Section 100. NAME AND BOUNDARIES. The City of Riverside, hereinafter termed the City, shall continue to be a municipal corporation under its present name of "City of Riverside". The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law.

Succession, rights and liabilities

Section 101. SUCCESSION, RIGHTS AND LIABILITIES. The City of Riverside shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it at the time this Charter takes effect and shall be subject to all its debts, obligations, liabilities and contracts.

Ordinances

Section 102. ORDINANCES. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force

at the time this Charter takes effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Section 103. CONTINUANCE OF PRESENT OFFICERS AND EMPLOYEES. The occupants of offices provided for in this Charter and employees, at the time this Charter takes effect, shall continue to perform the duties of their respective offices and employments without interruption and for the same compensations and under the same conditions until the appointment or election, and qualification, of their successors, but subject to the provisions of this Charter. Incumbents

Section 104. EFFECTIVE DATE OF CHARTER. For the purpose of nominating and electing the Mayor and members of the City Council, this Charter shall take effect upon its approval by the Legislature. For all other purposes it shall take effect on the Tuesday next succeeding the date of the election of the first City Council hereunder at twelve o'clock noon. Operative date

ARTICLE II

POWERS OF CITY

Section 200. POWERS. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise, or act pursuant to any and all rights, powers, privileges or procedures, heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise, or act pursuant to, under the Constitution of the State of California. The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions. Powers

ARTICLE III

FORM OF GOVERNMENT

Section 300. FORM OF GOVERNMENT. The municipal government established by this Charter shall be known as the "Council-Manager" form of government. Form of government

ARTICLE IV

ELECTIVE OFFICERS

Section 400. ELECTIVE OFFICERS. The elective officers of the City shall consist of a City Council of seven members and a Mayor elected from the City at large at the times and in Elective officers

the manner provided in this Charter and who shall serve for a term of four years and until their respective successors qualify.

At the first election under this Charter, the three candidates for City Council receiving the highest number of votes shall serve until the third Tuesday in April, 1957, and the remaining four candidates elected to the City Council shall serve until the third Tuesday in April, 1955. The candidate receiving the highest number of votes for Mayor shall serve until the third Tuesday in April, 1957. Four members of the City Council shall be elected at the general municipal election held in April, 1955, and each fourth year thereafter. Three members of the City Council and a Mayor shall be elected at the general municipal election held in April, 1957, and each fourth year thereafter.

The term of each elective officer shall commence on the first Tuesday following his election. Ties in voting among candidates for office shall be settled by the casting of lots.

Eligibility

Section 401. ELIGIBILITY. No person shall be eligible to hold an elective office unless he is, and shall have been for at least three years immediately preceding his election or appointment, a qualified elector of the City.

Compensation

Section 402. COMPENSATION. The members of the City Council shall receive no compensation for their services as such, but shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty In addition, each member shall receive such amount as may be fixed by ordinance, which amount shall be deemed to be reimbursement of other out-of-pocket expenditures and costs imposed upon him in serving as a City Councilman.

The Mayor shall receive compensation for his services in such amount and at such stated times as shall be prescribed by ordinance.

Vacancies

Section 403. VACANCIES. A vacancy in an elective office, from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term.

If a member of the City Council or the Mayor absents himself from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular City Council meeting attended by such officer, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, his office shall become vacant.

The City Council shall declare the existence of any vacancy. In the event it shall fail to fill a vacancy by appointment within thirty days after such office shall have been so declared vacant, it shall cause an election to be held forthwith to fill such vacancy.

Mayor

Section 404. THE MAYOR The Mayor shall be the presiding officer at all meetings of the City Council and shall have a voice in all its proceedings but shall not vote. He shall be the

official head of the City for all ceremonial purposes. He shall have the primary but not exclusive responsibility for interpreting the policies, programs and needs of the City government to the people, and of informing the people of any major change in policy or program. He shall advise the City Council on all matters of policy and public relations and perform such other duties as may be prescribed by this Charter.

The City Council shall designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. In addition to his regular duties as a Councilman, the Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.

Powers of city council

Section 405. POWERS VESTED IN THE CITY COUNCIL. All powers of the City shall be vested in the City Council except as otherwise provided in this Charter.

City manager

Section 406. INTERFERENCE IN ADMINISTRATIVE SERVICE. Neither the Mayor nor the City Council nor any of its members shall interfere with the execution by the City Manager of his powers and duties, or order, directly or indirectly, the appointment by the City Manager or by any of the department heads in the administrative service of the City, of any person to an office or employment or his removal therefrom. Except for the purpose of inquiry, the Mayor, the City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the Mayor nor the City Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

Council meetings

Section 407. REGULAR MEETINGS. The City Council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution and may adjourn or readjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

Section 408. SPECIAL MEETINGS. Special meetings may be called at any time by the Mayor, or by four members of the City Council, by written notice delivered personally to each member and to the Mayor at least three hours before the time specified for the proposed meeting. A special meeting may also be validly held without the giving of such written notice, if required to be held by this Charter, or if all members and the Mayor shall give their consent in writing to the holding of such meeting and such consent is on file in the office of the City Clerk at the time of such meeting A telegraphic communication consenting to the holding of a meeting shall be considered a consent in writing At any special meeting only such matters may be acted upon as are referred to in such written notice or consent

Section 409. PLACE OF MEETINGS. All meetings shall be held in the Council Chambers of the City Hall, or in such place to which any such meeting may be adjourned, and shall be open to the public. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if he should fail to act, by four members of the City Council.

Section 410. QUORUM PROCEEDINGS. A majority of the members of the City Council shall constitute a quorum to do business but a less number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. Notice of a meeting adjourned by less than a quorum or by the Clerk shall be given by the Clerk or may be waived by consent in the same manner as specified in this Charter for the giving or waiving of notice of special meetings of the City Council, but need not specify the matters to be acted upon. The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. It may establish rules for the conduct of its proceedings and evict or prosecute any member or other person for disorderly conduct at any of its meetings.

The Mayor and each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

At the demand of any member, or upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call the roll and shall cause the ayes and noes taken on such questions to be entered in the minutes of the meeting.

Citizen participation

Section 411. CITIZEN PARTICIPATION. No citizen shall be denied the right, personally or through counsel, to present grievances at any regular meeting of the Council, or offer suggestions for the betterment of municipal affairs.

Ordinances and resolutions

Section 412. ADOPTION OF ORDINANCES AND RESOLUTIONS. With the sole exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk.

At the time of adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmen present In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least four members of the City Council shall be required for the adoption of any ordinance or resolution, or for the making or approving of any order for the payment of money No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five affirmative votes.

At any time before the adjournment of the meeting at which any ordinance or resolution is adopted or rejected, the Mayor may, by public declaration spread upon the minutes of the meeting, request the reconsideration of any such ordinance or resolution except an emergency ordinance or an ordinance proposed by initiative petition. Thereupon, pending reconsideration as herein provided, such ordinance or resolution shall be deemed neither adopted nor rejected At any regular or adjourned regular meeting held not less than five days after such request for reconsideration, the City Council may reconsider such ordinance or resolution and vote upon the same anew The same number of votes shall be required for its adoption as would have been required in the absence of such request for reconsideration. The Mayor shall have no right to request a second reconsideration of any ordinance or resolution.

All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk

Section 413. ORDINANCES. PUBLICATION. The City Clerk shall cause each ordinance to be published at least once in a newspaper of general circulation within the City within fifteen days after its adoption.

Section 414. CODIFICATION OF ORDINANCES. Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be

filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Amendments to the code shall be enacted in the same manner as ordinances.

Detailed regulations pertaining to the construction of buildings, plumbing and wiring, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this Section. Maps, charts and diagrams also may be adopted by reference in the same manner.

Section 415. ORDINANCES. WHEN EFFECTIVE. No ordinance shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

(a) An ordinance calling or otherwise relating to an election.

(b) An improvement proceeding ordinance adopted under some law or procedural ordinance.

(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property.

(d) An emergency ordinance adopted in the manner provided for in this Article

Section 416. ORDINANCES. VIOLATION. PENALTY. A violation of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action. The maximum fine or penalty for any violation of a city ordinance shall be the sum of Five Hundred Dollars, or a term of imprisonment for a period not exceeding six months, or both such fine and imprisonment.

Contracts

Section 417. CONTRACTS. RESTRICTIONS. The City Council shall not have the power to make or authorize any contract or lease or extension thereof for a longer period than five years unless said contract, lease or extension be approved by a majority of the qualified electors of the City voting on such question at any election A contract, lease or extension for a longer period shall be valid without such approval if it provides for the right of acquisition by the City at the end of such period of the real or personal property so leased or contracted for. This Section shall not apply to airports or to any franchise granted pursuant to the provisions of this Charter or to any contract for the furnishing, or acquisition of the products, commodity or services of any public utility.

Section 418. CONTRACTS. EXECUTION. The City shall not be bound by any contract except as hereinafter provided unless the same shall be made in writing, approved by the City Council and signed on behalf of the City by the Mayor and City Clerk or by such other officer or officers as shall be designated by the City Council. Any of said officers shall sign a contract on behalf of the City when directed to do so by the City Council.

By ordinance or resolution the City Council may authorize the City Manager to bind the City, with or without a written contract, for the acquisition of equipment, materials, supplies, labor, services, or other items, if included within the budget approved by the City Council, and may impose a monetary limit upon such authority.

The City Council may by ordinance or resolution provide a method for the sale or exchange of personal property not needed in the City service or not fit for the purpose for which intended, and for the conveyance of title thereto.

Contracts for the sale of the products, commodities or services of any public utility owned, controlled or operated by the City may be made by the manager of such utility or by the head of the department of public utilities upon forms approved by the City Manager and at rates fixed as in this Charter provided.

The provisions of this Section shall not apply to services rendered by any person in the employ of the City at a regular salary.

ARTICLE V

CITY MANAGER

Section 500. CITY MANAGER. There shall be a City Manager who shall be the chief administrative officer of the City In the selection of a City Manager the City Council shall screen all qualified applicants. It shall appoint, by a majority vote, the available person that it believes to be best qualified on the basis of his executive and administrative qualifications, with special reference to his experience in, and his knowledge of, accepted practice in respect to the duties of the office as set forth in this Charter. The City Manager shall serve at the pleasure of the City Council. *City manager*

The City Manager need not be a resident of the City at the time of his appointment, but he shall establish his residence within the City within ninety days after his appointment, unless such period is extended by the City Council, and thereafter maintain his residence within the City during his tenure of office.

No person shall be eligible to receive appointment as City Manager while serving as Mayor or as a member of the City Council nor within one year after he has ceased to be Mayor or a City Councilman.

Section 501. CITY MANAGER POWERS AND DUTIES. The City Manager shall be the head of the administrative branch of the City government. He shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have power and be required to:

(a) Appoint, and he may suspend or remove, subject to the Personnel Merit System provisions of this Charter, all department heads and officers of the City except elective officers and

those department heads and officers the power of whose appointment is vested by this Charter in the City Council, provided, however, that the appointment, removal and suspension of the Librarian shall be subject to the approval of the Board of Library Trustees, the appointment (but not the suspension or removal) of the Controller and the Treasurer shall be subject to the approval of the City Council, and the appointment (but not the suspension or removal) of the Superintendent of Public Utilities shall be subject to the approval of the Board of Public Utilities; approve or disapprove all proposed appointments and removals of subordinate employees by department heads or officers, and such appointments and removals by department heads or officers shall be subject to his approval.

(b) Prepare the budget annually, submit such budget to the City Council and be responsible for its administration after its adoption.

(c) Prepare and submit to the City Council as of the end of the fiscal year a comprehensive report on the finances and administrative activities of the City for such fiscal year.

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable

(e) Prepare rules and regulations governing the contracting for, purchasing, storing, distribution, or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the City Council for adoption by it.

(f) See that the laws of the State pertaining to the City, the provisions of this Charter and the ordinances of the City are enforced.

(g) Perform such other duties consistent with this Charter as may be required of him by the City Council.

Section 502. CITY MANAGER. MEETINGS. The City Manager shall be accorded a seat at the City Council table and at all meetings of boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote.

Section 503. MANAGER PRO TEMPORE. The City Manager shall appoint, subject to the approval of the City Council, one of the other officers or department heads of the City to serve as Manager Pro Tempore during any temporary absence or disability of the City Manager.

ARTICLE VI

OFFICERS AND EMPLOYEES

Appointive officers

Section 600. OFFICERS TO BE APPOINTED BY THE CITY COUNCIL. In addition to the City Manager, there shall be a City Attorney and a City Clerk who shall be appointed by and serve at the pleasure of the City Council

Administrative departments

Section 601. ADMINISTRATIVE DEPARTMENTS. The City Council may provide, by ordinance not inconsistent

with this Charter, for the organization, conduct and operation of the several offices and departments of the City as established by this Charter, for the creation of additional departments, divisions, offices and agencies, and for their consolidation, alteration or abolition. Each new department created by the City Council shall be headed by an officer as department head who shall be appointed and may be suspended or removed by the City Manager.

The City Council, by ordinance or resolution, may assign additional functions or duties to offices, departments or agencies not inconsistent with this Charter. No office provided in this Charter to be filled by appointment by the City Manager may be consolidated with an office to be filled by appointment by the City Council. The City Council, subject to the provisions of this Charter, shall provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees.

Section 602. CITY ATTORNEY. POWERS AND DUTIES City attorney
To become eligible for City Attorney the person appointed shall be an attorney-at-law duly licensed as such under the laws of the State of California, and shall have been engaged in the practice of law for at least five years prior to his appointment. The City Attorney shall have power and may be required to:

(a) Represent and advise the City Council and all City Officers in all matters of law pertaining to their offices.

(b) Represent and appear for the City in any or all actions or proceedings in which the City is concerned or is a party, and represent and appear for any City officer or employee, or former City officer or employee, in any or all actions and proceedings in which any such officer or employee is concerned or is a party for any act arising out of his employment or by reason of his official capacity.

(c) Attend all regular meetings of the City Council and give his advice or opinion in writing whenever requested to do so by the City Council or by any of the boards or officers of the City.

(d) Approve the form of all contracts made by and all bonds given to the City, endorsing his approval thereon in writing.

(e) Prepare any and all proposed ordinances or resolutions for the City and amendments thereto.

(f) Surrender to his successor all books, papers, files and documents pertaining to the City's affairs.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein.

Section 603. CITY CLERK. POWERS AND DUTIES Clerk
The City Clerk shall have power and be required to:

(a) Be responsible for the recording and maintaining of a full and true record of all of the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purpose and attend all meetings of the City Council either in person or by deputy.

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published in accordance with this Charter; keep all books properly indexed and open to public inspection when not in actual use.

(c) Maintain separate books, in which a record shall be made of all written contracts and official bonds.

(d) Be the custodian of the seal of the City.

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records.

(f) Be ex-officio Assessor, unless the City Council has availed itself, or does in the future avail itself, of the provisions of the general laws of the State relative to the assessment of property and the collection of City taxes by county officers, or unless the City Council by ordinance provides otherwise.

(g) Have charge of all City elections.

Controller

Section 604. CONTROLLER. There shall be a Controller appointed by the City Manager with the approval of the City Council who shall have power and shall be required to:

(a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager.

(b) Compile the budget expense and income estimates for the City Manager.

(c) Maintain a general accounting system for the City government and each of its offices, departments and agencies.

(d) Supervise and be responsible for the disbursement of all moneys and have control of all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment, all bills, invoices, payrolls, demands or charges against the City government and, with the advice of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges.

(e) Submit to the City Council through the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; and, as of the end of each fiscal year, submit a complete financial statement and report.

(f) Supervise the keeping of current inventories of all property of the City by all City departments, offices and agencies.

Treasurer

Section 605. TREASURER. There shall be a Treasurer appointed by the City Manager with the approval of the City Council who shall have power and shall be required to:

(a) Receive all taxes, assessments, license fees and other revenues of the City, or for whose collection the City is responsible, and receive all taxes or other money receivable by the City from the County, State or Federal Government, or from any Court, or from any office, department or agency of the City.

(b) Have custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit all funds coming into his hands in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, then in such depository designated in writing by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds.

(c) Disburse moneys on demands audited in the manner provided for in this Charter.

(d) Prepare and submit to the Controller monthly written reports of all receipts, disbursements and fund balances, copies of which reports shall be filed with the City Manager.

Section 606. ADMINISTERING OATHS. Each department head and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department

Department heads

Section 607. DEPARTMENT HEADS. APPOINTMENT POWERS. Each department head and appointive officer shall have the power to appoint, suspend or remove such deputies, assistants, subordinates and employees as are provided for by the City Council for his department or office, subject to the provisions of this Charter and of any Personnel Merit System adopted hereunder.

Contracts

Section 608. ILLEGAL CONTRACTS. FINANCIAL INTEREST. No member of the City Council, department head or other officer of the City (except a member of any board or commission), shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party.

No member of any board or commission shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party and which comes before the board or commission of which such person is a member for approval or other official action or which pertains to the department, office or agency of the City with which such board or commission is connected.

Any contract, sale or transaction in which there shall be such an interest, as specified in this section, shall become void at the election of the City when so declared by resolution of the City Council.

No member of the City Council, department head or other officer of the City, or member of any board or commission, shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation where his only interest in the corporation is that of a stockholder and the stock owned by him shall amount to less than three per cent of all the stock of such corporation issued and outstanding.

If any member of the City Council, department head or other officer of the City, or member of a board or commission, shall

be financially interested as aforesaid, upon conviction thereof he shall forfeit his office in addition to any other penalty which may be imposed for such violation of this Charter.

Elective officers

Section 609. ACCEPTANCE OF OTHER OFFICE. Any elective officer of the City who shall accept or retain any other elective public office shall be deemed thereby to have vacated his office under the City government.

Nepotism

Section 610. NEPOTISM. The City Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree of any one or more of the members of such City Council, nor shall any department head or other officer having appointive power appoint any relative of his within such degree to any such position.

Official bonds

Section 611. OFFICIAL BONDS The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

ARTICLE VII

APPOINTIVE BOARDS AND COMMISSIONS

Boards and commissions

Section 700. IN GENERAL. There shall be the following enumerated boards and commissions which shall have the powers and duties herein stated. In addition, the City Council may create by ordinance such additional advisory boards or commissions as in its judgment are required, and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Appropriations

Section 701. APPROPRIATIONS. The City Council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

Appointments

Section 702. APPOINTMENTS. TERMS. The members of each of such boards or commissions shall be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. They shall be subject to removal by motion of the City Council adopted by at least five affirmative votes. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by lot that the term of one of each of their number shall expire each succeeding July 1st. Where

the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the pairing of terms to such an extent as is necessary in order that the terms of at least one and not more than two shall expire in each succeeding year.

Thereafter, any appointment to fill an unexpired term shall be for such unexpired period.

Terms of incumbents

Section 703. EXISTING BOARDS. The respective terms of office of all members of the boards and commissions in existence at the time this Charter takes effect shall terminate upon the effective date of this Charter.

Meetings

Section 704 MEETINGS. CHAIRMEN. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings at least once each month and such special meetings as such board or commission may require All proceedings shall be open to the public.

Except as may be otherwise provided in this Charter, the City Manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Each board or commission shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it and to administer oaths and affirmations.

Compensation and vacancies

Section 705. COMPENSATION. VACANCIES. The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the City Council.

Planning Commission

Section 706. PLANNING COMMISSION. ESTABLISHED. There shall be a Planning Commission consisting of seven members. The City Engineer and City Attorney, or

their assistants, shall meet with and participate in the discussions of the Planning Commission but shall not have a vote.

Section 707. PLANNING COMMISSION. POWERS AND DUTIES. The Planning Commission shall have the power and duty to:

(a) After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of the Master Plan, or any part thereof, for the physical development of the City.

(b) Exercise such control over land subdivisions as is granted to it by the City Council.

(c) Make recommendations concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the City.

(d) Exercise such functions with respect to zoning and land use as may be prescribed by ordinance, not inconsistent with the provisions of this Charter.

Personnel Board

Section 708. PERSONNEL BOARD. The Personnel Board shall consist of five members, none of whom while a member of the Board, or for a period of one year after he has ceased for any reason to be a member, shall be eligible for appointment to any salaried office or employment in the service of the City.

Section 709. PERSONNEL BOARD. POWERS AND DUTIES. The Personnel Board shall have the power and duty to:

(a) Recommend to the City Council, after a public hearing thereon, the adoption, amendment or repeal of personnel rules and regulations.

(b) Act in an advisory capacity to the City Council on problems concerning personnel administration.

(c) Hear grievances of any person in the City employment relative to any suspension, demotion or dismissal and make findings and recommendations thereon which shall be advisory only.

(d) Make any investigation which it may consider desirable concerning the conditions of employment and the administration of personnel in the municipal service and report its findings to the City Council.

(e) Perform such other duties as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

Board of Library Trustees

Section 710. BOARD OF LIBRARY TRUSTEES. POWERS AND DUTIES. There shall be a Board of Library Trustees consisting of five members which shall have the power and duty to:

(a) Have charge of the administration of City libraries and make and enforce such by-laws, rules and regulations as may be necessary therefor.

(b) Designate its own secretary.

(c) Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

(d) Purchase and acquire books, journals, maps, publications and other supplies peculiar to the needs of the library, subject, however, to the limitations of the budget for such purposes.

The expenditure and disbursement of funds for such purchases shall be made and approved as elsewhere in this Charter provided.

(e) Approve or disapprove the appointment, suspension or removal of the Librarian, who shall be the department head.

(f) Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the City Council.

(g) Contract with schools, county or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council.

Section 711. PARK AND RECREATION COMMISSION. POWERS AND DUTIES There shall be a Park and Recreation Commission consisting of seven members Park and Recreation Commission

The Park and Recreation Commission shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to parks, recreation, parkways and street trees

(b) Consider the annual budget for parks, recreation, parkways and street tree purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

(c) Assist in the planning of parks and recreation programs for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

(d) Establish policies for the acquisition, development and improvement of parks and playgrounds and for the planting, care and removal of trees and shrubs in all parks, playgrounds and streets, subject to the rights and powers of the City Council.

(e) Perform such other duties as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

ARTICLE VIII

PERSONNEL MERIT SYSTEM

Section 800. SYSTEM TO BE ESTABLISHED. The City Council shall by ordinance establish a personnel merit system for the selection, employment, classification, advancement, suspension and discharge of those appointive officers and employees who shall be included in the system. The system may consist of the establishment of minimum standards of employment and qualifications for the various classes of employment, or of a comprehensive system, as the City Council shall determine to be for the best interests of the public service. The ordinance shall designate the departments and the appointive officers and employees who shall be included within the system. By subsequent ordinances the City Council may amend the system or the list of departments and appointive officers and employees Personnel merit system

included within the system. The system shall comply with all other provisions of this Charter.

ARTICLE IX

RETIREMENT

Retirement

Section 900. STATE SYSTEM. Plenary authority and power are hereby vested in the City, its City Council and its several officers, agents and employees to do and perform any act, and to exercise any authority granted, permitted, or required under the provisions of the State Employees' Retirement Act, as it now exists or hereafter may be amended, to enable the City to continue as a contracting City under the State Employees' Retirement System. The City Council may terminate any contract with the Board of Administration of the State Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City, voting on such proposition at an election at which such proposal is presented.

ARTICLE X

ELECTIONS

Elections

Section 1000. GENERAL MUNICIPAL ELECTIONS General municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City on the second Tuesday in April in each odd numbered year commencing with the year 1955.

Section 1001. SPECIAL MUNICIPAL ELECTIONS All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections

A special municipal election shall be held for the election of the first Mayor and the first members of the City Council under this Charter on the tenth Tuesday following the approval of this Charter by the Legislature.

Section 1002. PROCEDURE FOR HOLDING ELECTIONS Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of elections in cities of the sixth class so far as the same are not in conflict with this Charter

Section 1003. INITIATIVE, REFERENDUM AND RECALL There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, governing the initiative and referendum and the recall of municipal officers, shall apply to the use

thereof in the City so far as such provisions of the Elections Code are not in conflict with the provisions of this Charter.

ARTICLE XI.

FISCAL ADMINISTRATION

Section 1100. FISCAL YEAR. The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year. Fiscal year

Section 1101. ANNUAL BUDGET. PREPARATION BY THE CITY MANAGER. At such date as the City Manager shall determine, each department head shall furnish to the City Manager estimates of revenue and expenditures for his department, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, hold conferences thereon with the respective department heads and may revise the estimates as he may deem advisable. Annual budget

Section 1102. BUDGET, SUBMISSION TO THE CITY COUNCIL. At least thirty-five days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council the proposed budget as prepared by him. After reviewing same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in a newspaper of general circulation within the City.

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Section 1103. BUDGET, PUBLIC HEARING. At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Section 1104 BUDGET, FURTHER CONSIDERATION AND ADOPTION. After the conclusion of the public hearing the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30, it shall adopt the budget A copy thereof, certified by the City Clerk, shall be filed with the person retained by the City Council to perform auditing functions for the Council and a further copy shall be placed, and shall remain on file, in the office of the City Clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City.

Section 1105. BUDGET, APPROPRIATIONS. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to

the several departments, offices and agencies for the respective objects and purposes therein named All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least five members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose or to appropriate available funds not included in the budget.

Purchasing

Section 1106. CENTRALIZED PURCHASING. Under the control and direction of the City Manager there shall be established a centralized purchasing system for all City departments and agencies, which system shall be consistent with all other provisions of this Charter.

Taxation

Section 1107. TAX LIMITS.

(a) The City Council shall not levy a property tax, for municipal purposes, in excess of One Dollar annually on each One Hundred Dollars of the assessed value of taxable property in the City, except as otherwise provided in this section, unless authorized by the affirmative votes of two-thirds of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition.

(b) There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provision for payment thereof is made:

1. A tax sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year, which constitute general obligations of the City; and

2. A tax sufficient to meet all obligations of the City to the State Employees' Retirement System for the retirement of City employees, due and unpaid or to become due during the ensuing fiscal year.

(c) A special levy, in addition to the above may be made annually in an amount not to exceed twenty cents on each One Hundred Dollars of the assessed value of taxable property in the City for library purposes. The proceeds of such special levy shall be used only for the purpose for which it is levied.

Section 1108. TAX PROCEDURE. The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes, may be prescribed by ordinance of the City Council.

Bonded indebtedness

Section 1109. BONDED DEBT LIMIT. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen per cent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

Public works contracts

Section 1110. CONTRACTS ON PUBLIC WORKS. Every project for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds, and every purchase of supplies or materials for any such project, when the total expenditures required for the same exceed the sum of Two Thousand Dollars, shall be let by the City Council by contract to the lowest responsible bidder after notice by publication in a newspaper of general circulation within the City by one or more insertions, the first of which shall be at least ten days before the time for opening bids. Projects for the maintenance or repair of streets, drains or sewers are excepted from the requirements of this Section if the City Council determines that such work can be performed more economically by a City department than by contracting for the doing of such work.

All bids shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten per cent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or in the specifications referred to therein, the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The City Council may reject any and all bids presented and may readvertise in its discretion.

The City Council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees or the supplies or materials may be purchased more economically on the open market, and after the adoption of a resolution to this effect by at least five affirmative votes of the City Council may proceed to have said work done or said supplies or materials purchased in the manner stated, without further observance of the provisions of this Section. Such contracts likewise may be let without advertising for bids, if such work or supplies or materials shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by at

least five affirmative votes of the City Council and containing a declaration of the facts constituting such urgency.

Projects for the extension or development of any public utility operated by the City or for the purchase of supplies or equipment for any such utility may be excepted from the requirements of this Section, provided the City Council so determines by at least five affirmative votes.

Cash Basis Fund

Section 1111. CASH BASIS FUND. The City Council shall maintain a revolving fund, to be known as the "Cash Basis Fund", for the purpose of placing the payment of the running expenses of the City on a cash basis. A reserve shall be built up in this fund from any available sources in an amount which the City Council deems sufficient with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made by the City Council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such funds, as nearly as possible, on a cash basis. All moneys so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.

Capital Outlays Fund

Section 1112. CAPITAL OUTLAYS FUND. A fund for capital outlays generally is hereby created, to be known as the "Capital Outlays Fund". The City Council may create by ordinance a special fund or funds for a special capital outlay purpose. The City Council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of two-thirds of the electors voting on the proposition at any election at which such question is submitted. The City Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other capital outlay purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any special capital outlay fund has been created has been accomplished, the City Council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital outlays generally, established by this Charter.

Presentation of demands

Section 1113. PRESENTATION OF DEMANDS. All claims for damages against the City must be verified and presented to the City Clerk within ninety days after the occurrence, event or transaction from which the damages allegedly arose, or

within such shorter time as is otherwise provided by law, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages sustained. All such claims shall be approved or rejected in writing by order of the City Council and the date thereof given.

All other demands against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Controller within ninety days after the last item of the account or claim accrued. The Controller shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and draw his warrant on the City Treasurer therefor, payable out of the proper fund. Otherwise he shall reject it. Objections of the Controller may be overruled by the City Council and the warrant ordered drawn.

The Controller shall transmit such demand, with his approval or rejection thereof endorsed thereon, and warrant, if any, to the City Manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager, otherwise it shall require the approval of the City Council, following the adoption by it of an amendment to the budget authorizing such payment. Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the City Council which, after examining into the matter, may approve or reject the demand in whole or in part.

Section 1114. REGISTERING WARRANTS. Warrants on the City Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the City Council by resolution. **Warrants**

Section 1115. ACTIONS AGAINST CITY. No suit shall be brought for money or damages against the City or any board, commission or officer thereof until a claim or demand for the same has been presented as in this Charter provided and such claim and demand has been rejected in whole or in part. If rejected in part suit may be brought to recover the whole. Failure to complete action approving or rejecting any claim or demand within sixty days from the day the same is presented shall be deemed a rejection thereof. **Actions against city**

Section 1116. INDEPENDENT AUDIT. The City Council shall employ at the beginning of each fiscal year, a qualified public accountant who shall, at such time or times as may be specified by the City Council, and at such other times as he shall determine, examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and of all such other officers, employees or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be **Independent audit**

submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, Controller, Treasurer, and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

ARTICLE XII

BOARD OF EDUCATION

Board of Education Membership

Section 1200. NUMBER AND ELIGIBILITY. The Board of Education shall consist of five members who shall be qualified electors of the Riverside City School District, and residing therein for at least two years next preceding their election, and shall serve without compensation.

Section 1201. FIRST BOARD UNDER CHARTER. The members of the Board of Education of the existing Riverside City School District holding office when this Charter takes effect shall serve as the Board of Education provided for herein until their respective terms shall expire and until their successors shall be elected and qualified under this Charter.

Election

Section 1202. ELECTION. An election for two members of the Board of Education shall be held on the third Tuesday in November, 1954, and on the third Tuesday of November every four years thereafter. An election for three members of the Board of Education shall be held on the third Tuesday in November, 1956, and on the third Tuesday of November every four years thereafter. The Board of Education shall provide for the holding of such elections and may provide that any such election be consolidated with the state election held in the same year and in such case the said election shall be held at the same time and place and together with the said state election

Terms

Section 1203. TERM. The members of the Board of Education elected at any such election shall, after they have qualified, take office and enter upon the discharge of their duties at 10:00 o'clock A M. of the first Monday of January next succeeding their election, or if said day falls on a holiday, then upon the day following, and shall hold office for a term of four years and until their successors shall be elected and qualified.

Vacancies

Section 1204. VACANCIES. In case a vacancy should occur on the Board of Education, the remaining members of the board shall appoint a qualified person to fill such vacancy, but in case of tie vote the Superintendent of Schools of Riverside County shall have the deciding vote. In either case the appointee shall serve the balance of the unexpired term for which he is appointed.

Applicable law

Section 1205. APPLICABILITY OF GENERAL LAWS. The powers and duties of the Board of Education and all matters pertaining to the Board of Education, except as otherwise herein provided, shall be governed by the provisions of the laws of the State of California as the same now exist or hereafter may exist.

ARTICLE XIII

DEPARTMENT OF PUBLIC UTILITIES

Section 1300. MANAGEMENT AND CONTROL. There shall be a department of public utilities which shall be under the management and control of the City Manager, subject, however, to the powers and duties of the Board of Public Utilities as hereafter set forth in this Article. Said department shall include all public utilities owned, controlled or operated by the City. Department of Public Utilities

Section 1301. BOARD OF PUBLIC UTILITIES. There shall be a Board of Public Utilities consisting of five members. All of the provisions of Article VII of this charter relating to boards and commissions generally, to the organization, meetings, conduct of proceedings, and expenses thereof, and to the appointment, qualifications, term of office, removal, compensation and powers of members thereof, where not inconsistent with the provisions of this Article, shall apply to the Board of Public Utilities and to its members Board of Public Utilities

Section 1302. BOARD OF PUBLIC UTILITIES. POWERS AND DUTIES. The Board of Public Utilities shall have the power and duty to: Powers and duties

(a) Consider the annual budget for the department of public utilities during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

(b) Within the limits of the budget of the department of public utilities, authorize any purchase of equipment, materials or supplies exceeding the sum of Two Thousand Dollars, and authorize the acquisition, construction, improvement, extension, enlargement, diminution, or curtailment of all or any part of any public utility system. No such purchase, acquisition, construction, improvement, extension, enlargement, diminution or curtailment shall be made without such authorization.

(c) Make appropriations from the contingency reserve fund within the limitations prescribed by Section 1304 of this Charter.

(d) Require of the City Manager monthly reports of receipts and expenditures of the department of public utilities, segregated as to each separate utility, and monthly statements of the general condition of the department and its facilities.

(e) Establish rates for all revenue producing utilities owned, controlled or operated by the City, but subject to the approval of the City Council.

(f) Approve or disapprove the appointment of the superintendent of public utilities, who shall be the department head.

(g) Designate its own secretary.

(h) Make such reports and recommendations to the City Council regarding the department of public utilities as it shall deem advisable.

(i) Exercise such other powers and perform such other duties as may be prescribed by ordinance not inconsistent with any of the provisions of this Charter.

Purchases and expenditures

Section 1303. PURCHASES AND EXPENDITURES. The purchase of equipment, materials and supplies peculiar to the needs of the department of public utilities need not be made through the centralized purchasing system. The expenditures and disbursement of funds of the department of public utilities shall be made and approved as elsewhere in this Charter provided.

Use of revenue

Section 1304. USE OF REVENUE. The revenue of each public utility for each fiscal year shall be kept separate and apart from all other moneys of the City and shall be used for the purposes and in the order as follows:

(a) For the payment of the operating and maintenance expenses of such utility, including any necessary contribution to retirement of its employees.

(b) For the payment of interest on the bonded debt incurred for the construction or acquisition of such utility.

(c) For the payment, or provision for the payment, of the principal of said debt as it may become due.

(d) For capital expenditures of such utility.

(e) For the annual payment into the contingency reserve fund of an amount not to exceed five percent of the gross revenue of such utility during the previous fiscal year, provided, however, that in any year in which there is in said contingency reserve fund a sum equal to at least ten percent of the original book value of all property of such utility, no payment shall be made into said fund. This contingency reserve fund shall be available for use by said utility only for replacement or emergency repairs and only after appropriation by the City Council as to any project for which the total appropriations from such fund exceed the sum of Five Thousand Dollars or after appropriation by the Board of Public Utilities as to any project for which the total appropriations from such fund do not exceed the sum of Five Thousand Dollars.

Any reserve for depreciation of such utility accumulated prior to the effective date of this Charter shall be paid into said contingency reserve fund and shall be subject to the provisions of this Section covering said fund.

(f) The remainder shall be paid into the general fund.

Sale of public utility

Section 1305. SALE OF PUBLIC UTILITY. No public utility now or hereafter owned or controlled by the City shall be sold, leased or otherwise transferred unless authorized by the affirmative votes of at least five members of the City Council and by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

ARTICLE XIV

FRANCHISES

Section 1400. GRANTING OF FRANCHISES. Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, electricity, gas, power, refrigeration, storage or any other public utility or service, or using the public streets, ways, alleys or places for the operation of plants, works or equipment for the furnishing thereof, or traversing any portion of the City for the transmitting or conveying of any such service elsewhere, may be required by ordinance to have a valid and existing franchise therefor. The City Council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not, and to prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of procedure and additional terms and conditions of such grants, or the making thereof, all subject to the provisions of this Charter. Franchises.

Nothing in this Section, or elsewhere in this Article, shall apply to the City, or to any department thereof, when furnishing any such utility or service.

Section 1401. RESOLUTION OF INTENTION. NOTICE AND PUBLIC HEARING. Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once, within fifteen days of the passage thereof, in a newspaper of general circulation within the City. Said notice shall be published at least ten days prior to the date of hearing. Resolution of intention, notice and hearing

At the time set for the hearing, or at any adjournment thereof, the City Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter it may by ordinance grant the franchise on the terms and conditions specified in the resolution of intention to grant the same, subject to the right of referendum of the people, or it may deny the same. If the City Council shall determine that changes should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon.

Section 1402. TERM OF FRANCHISE. Every franchise shall state the term for which it is granted, which shall not exceed thirty-five years. Terms

Section 1403. EMINENT DOMAIN. No franchise grant shall in any way, or to any extent, impair or affect the right of Eminent domain

the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing therein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

ARTICLE XV

MISCELLANEOUS

Definitions

Section 1500. DEFINITIONS. Unless the provision or the context otherwise requires, as used in this Charter:

(a) "Shall" is mandatory, and "may" is permissive.

(b) "City" is the City of Riverside, and "department," "board", "commission", "agency", "officer", or "employee", is a department, board, commission, agency, officer or employee, as the case may be, of the City of Riverside.

(c) "County" is the County of Riverside.

(d) "State" is the State of California

(e) "Newspaper of general circulation within the city" is a newspaper of general circulation printed, published and circulated within the City.

Section 1501. VIOLATIONS. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding Five Hundred Dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment.

Section 1502. VALIDITY If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

CERTIFICATE

Certificate

WHEREAS, the City of Riverside, for many years last past, has been and now is a chartered city containing more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California; and

WHEREAS, on the 7th day of August, 1951, at a municipal election duly and regularly held on that day in said City under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said City did duly choose and elect Eugene Best, Donald W. Bohr, William H. Bonnett, Philip L Boyd, Howard Boylan, Leonard Joseph Difani, T. Chauncey Flaherty, Thelma H. Goodspeed, Glenn W. Gurtner, Charles H Johnson, Joseph S. Long, Harry McCarroll, Earl W. Porter, Robert H. Westbrook and James M. Wortz, who are all electors of said City and

eligible as candidates under said section, as a Board of fifteen Freeholders to prepare a new Charter for the government of said City; and

WHEREAS, the result of said election of Freeholders was duly declared by the legislative body of the City on the 14th day of August, 1951, and said electors thereafter duly qualified as such Freeholders in accordance with law;

BE IT KNOWN that in pursuance of the provisions of said Constitution and within the period of one year after the result of said election was so declared, the said Board of Freeholders has prepared and does now propose the foregoing Charter as the Charter for the government of the City of Riverside; and

BE IT FURTHER KNOWN that said Board of Freeholders hereby requests said legislative body of the City of Riverside to cause the publication of said proposed Charter and to cause copies thereof to be printed and mailed all as provided in said Constitution and does hereby fix and designate Tuesday the 16th day of September, 1952, as the date for the election at which the proposed Charter shall be submitted to the qualified electors of the City of Riverside for their ratification and adoption;

IN WITNESS WHEREOF, we the undersigned duly elected and qualified Freeholders of the City of Riverside, County of Riverside, State of California, have hereunto set our hands at the City of Riverside, County of Riverside, State of California, this 19th day of June, 1952.

EUGENE BEST
President, Board of Freeholders
JAMES M. WORTZ
Secretary, Board of Freeholders
DONALD W. BOHR
WILLIAM H. BONNETT
PHILIP L. BOYD
HOWARD BOYLAN
LEONARD JOSEPH DIFANI
T. CHAUNCEY FLAHERTY
THELMA H. GOODSPEED
GLENN W. GURTNER
CHARLES H. JOHNSON
JOSEPH S. LONG
HARRY McCARROLL
EARL W. PORTER
ROBERT H. WESTBROOK
Freeholders of the City of Riverside, County of Riverside, State of California

ATTEST:
JAMES M. WORTZ
Secretary of the Board of Freeholders

That the Charter as hereinabove set forth is a full, true and correct copy of the Charter as prepared and proposed by said Board of Freeholders and filed in the office of the City Clerk of the City of Riverside, California, on the 24th day of June, 1952, and ratified and adopted by the majority of the qualified electors of the City of Riverside at the special municipal election consolidated held on the 16th day of September, 1952, and that the certificate or proposal attached to said Charter is a full, true and correct copy of said certificate or proposal of the said Board of Freeholders; and

We do further certify and declare that the foregoing constitutes a full, true and correct statement of the actions and proceedings had by the City of Riverside, and the City Council of said City, and of said Board of Freeholders in the matter of the framing, proposing and filing said proposed Charter and in calling and conducting the elections herein mentioned and canvassing the returns and declaring the results thereof.

IN WITNESS WHEREOF we have hereunto set our hands and affixed the seal of the City of Riverside this 19th day of December, 1952.

W. C. EVANS
(SEAL) Mayor of the City of Riverside
ATTEST: W. G. WAITE
City Clerk of the City of Riverside

and

WHEREAS, The said charter as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said charter of the City of Riverside, as presented to, and adopted, and ratified, by the electors of said city and as hereinbefore fully set forth, be, and the same is hereby approved as a whole, without amendment or alteration, as and for the charter of the City of Riverside

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CHAPTER 50

Senate Concurrent Resolution No 30—Relative to approving amendments to the charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of November, 1952.

[Filed with Secretary of State, March 2, 1953.]

City of Richmond Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter

of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, as hereinafter set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF RICHMOND, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

STATE OF CALIFORNIA }
COUNTY OF CONTRA COSTA } ss.

Certificate

We, the undersigned, Gust J Allyn, Mayor of the City of Richmond, and John DeRoy, City Clerk of the City of Richmond, do hereby certify and declare as follows:

That the City of Richmond, County of Contra Costa, State of California, is a City containing a population of more than fifty thousand (50,000) inhabitants, and ever since the year 1909 has been, and is now, organized and existing under and pursuant to the provisions of a freeholders charter adopted in accordance with and by virtue of the provisions of Article XI, Section 8, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at the general election held on the 9th day of February, 1909, in the manner, form and substance as required by law, and was thereafter duly approved by the Assembly of the State of California, the Senate concurring, and filed with the Secretary of State on the 4th day of March, 1909;

That the Council of the City of Richmond, being the legislative body of said City, pursuant to Section 8 of Article XI of the Constitution of the State of California, duly passed and adopted on the 25th day of August, 1952, its Resolution No. 5323 proposing a charter amendment on the motion of said City Council, calling a special municipal charter amendment election in the City of Richmond on the 4th day of November, 1952 for the purpose of submitting said proposed amendment to the electors of said City, and consolidating said special municipal charter amendment election with the State of California General Election to be held on November 4, 1952;

That by resolution duly adopted on the 2nd day of September, 1952, the Board of Supervisors of the County of Contra Costa ordered consolidation of said special municipal charter amendment election with said State of California General Election;

That said proposed amendment was duly published for the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, viz., on the 8th day of September, 1952, in the Richmond Daily Independent, the official newspaper of the City of Richmond, a newspaper of general circulation printed and published in the City of Richmond;

That said special municipal charter amendment election was duly called, held and conducted in the time, form and manner

required by law on said 4th day of November, 1952, said day being not less than forty (40) and not more than sixty (60) days after the completion of the publication and advertisement of said proposed amendment in said Richmond Daily Independent for the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, viz., on September 8, 1952;

That a majority of the qualified voters voting on said amendment voted in favor of the ratification of and did ratify said proposed amendment to said charter;

That the County Clerk of the County of Contra Costa conducted, and on November 28, 1952, officially completed the canvass of all ballots cast at said State of California General Election and said special municipal charter amendment election consolidated therewith as aforesaid; and that the Board of Supervisors of said County of Contra Costa met on December 2, 1952, at its usual place of meeting and officially approved said canvass of said elections as conducted, completed and presented to said Board of Supervisors by said County Clerk, and said County Clerk on the 2nd day of December, 1952, certified the result of said special municipal charter amendment election to the Council of the City of Richmond;

That the Council of the City of Richmond, in accordance with law and pursuant to said Resolution No. 5323, calling said special municipal charter amendment election, did meet on Monday, the 8th day of December, 1952, at its usual place of meeting, and did duly and regularly cause to be spread on its minutes a statement of the results of said special municipal charter amendment election as ascertained by said canvass, and did, by resolution, duly find and declare that a majority of the qualified voters voting on said charter amendment voted in favor thereof and that said charter amendment was ratified;

That said charter amendment so ratified by the majority of the qualified voters of said City voting at said special municipal charter amendment election are in the words and figures following, to wit:

Proposed Amendment to the Charter of the City of Richmond

Article XIV
Off-Street Vehicular Parking

Off-street vehicular parking Definitions

Section 1. Definitions. Whenever used or referred to in this Article, or in any resolution of issue herein provided for, the following terms shall have the following meanings, respectively, unless a different meaning appears from the context;

(a) Bonds. The term "bonds" or "revenue bonds" means the written evidence of any obligation issued by the City, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this Article, in order to obtain funds with which to carry out any of the purposes of this Article, irrespective of the form of such obligation.

(b) Project. The term "project" means any one or more off-street vehicular parking facilities referred to in Section 2 and designated by the City as a project in a resolution of issue.

(c) Existing Off-Street Parking Facilities. The term "existing off-street parking facilities" means and includes any revenue-producing off-street vehicular parking facilities now or hereafter owned by the City and operated or controlled by the City at the time of adoption of a resolution of issue and not theretofore designated by the City as a project in a resolution of issue and not acquired, constructed, established, improved, extended, maintained or operated, in whole or in part, from the proceeds of sale of any revenue bonds.

(d) Revenues. The term "revenues" means and includes any and all rates, fees and other charges received or receivable in connection with, and any and all income and receipts of whatever kind and character derived by the City from, the operation of a project, or arising from a project, including any such revenues as may have been or may be impounded or deposited in any fund created for the security or further protection of revenue bonds or for the purpose of providing for the payment of the principal thereof or the interest thereon. The term "revenues" also includes net revenues from on-street parking meters within the City now owned or controlled or hereafter acquired or controlled by the City and net revenues of any existing off-street parking facilities to the extent that the same shall be pledged or otherwise made available for the payment of operation and maintenance costs of any project or as security or further protection for bonds by a resolution of issue

(e) Net Revenues. The term "net revenues" when used with reference to on-street parking meters within the City means and includes the gross revenues collected by the City during any fiscal year from the establishment and operation of such on-street parking meters after deducting therefrom the actual necessary costs and expenses of the acquisition, installation, maintenance and replacement of such parking meters and of the collection of revenues therefrom, all calculated on sound accounting principles, but without any allowance for depreciation or obsolescence. The term "net revenues" when used with reference to any existing off-street parking facilities means and includes the gross revenues collected by the City during any fiscal year from the establishment and operation of such existing off-street parking facilities after deducting therefrom the actual necessary expenses of maintaining and operating such facilities, calculated on sound accounting principles, but without any allowance for depreciation or obsolescence.

(f) Resolution of Issue. The term "resolution of issue" means any agreement entered into by the Council, including any resolution adopted by the Council, pursuant to which revenue bonds are issued, and includes any agreement entered into or resolution adopted by the Council amending, modifying or supplementing a resolution of issue irrespective of the form thereof.

General powers of city

Section 2. General. In order to relieve traffic congestion and promote the welfare of the citizens and inhabitants of the City of Richmond, the City of Richmond shall have power to acquire (whether by purchase, lease, eminent domain, or otherwise), construct, establish, improve, extend, maintain, operate, administer, lease and sublease off-street vehicular parking facilities and places within the City of Richmond, including any and all public parking lots, garages or other automotive parking facilities, and, for the payment of the cost thereof, to issue bonds payable from the revenues of any such parking facilities and from other revenues, all as hereinafter provided in this Article. Said powers shall be in addition to all other powers elsewhere enumerated in this Charter.

Powers of city council

Section 3. Grant of Power. Without limiting the generality of Section 2, the Council of the City of Richmond has power for any of the purposes of this Article:

(a) To acquire, by grant, purchase, gift, devise, lease or by the exercise of right of eminent domain, and to hold, use, sell, lease, sublease or dispose of any real or personal property or any interest in any thereof, including rights-of-way, necessary or appropriate for the full exercise, or convenient or useful for the carrying on, of any of its powers pursuant to this Article;

(b) To acquire, by any of the means specified in the foregoing clause (a), any lands, property or rights-of-way necessary or convenient for the opening, widening, straightening and extending of streets or alleys necessary or convenient for ingress to or egress from any project;

(c) To improve any lands so acquired by the construction thereon of garages or other buildings or improvements necessary or convenient for any project;

(d) To construct, establish, improve, extend, maintain, operate, administer, lease and sublease any project;

(e) To fix rates, fees or charges for the use of the facilities provided by any project, or for any services rendered in connection therewith, and to alter, change or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the City with respect to the fixing of such rates, fees or charges; and, by a resolution of issue or otherwise, to enter into covenants to increase rates, fees or charges from time to time; provided, however, that any person shall be permitted to use or operate any facilities provided by any project only upon payment of the regularly established charge therefor, except as may be otherwise specifically provided in a resolution of issue in the case of firemen, policemen and other essential public employees. All rates, fees and charges shall be paid only in such coin or currency as on the date of payment is legal tender for public and private debts, or in script or tokens issued only upon payment of the face value thereof in such coin or currency;

(f) At any time and from time to time to issue revenue bonds in order to raise funds for the purpose of establishing any project or of acquiring lands for any project or of acquiring, constructing, completing, improving, extending, maintaining, oper-

ating or administering any project, or of refinancing any project, or for any combination of such purposes, which bonds may be secured as hereinafter provided;

(g) To make contracts, leases, subleases and agreements relative to the acquisition, operation or maintenance of any project or any part of any project with any person or public corporation, political subdivision, city, county, district, the State of California, or the United States of America, or any department or agency of any thereof, subject to any contractual obligation which may be entered into by the City with respect to the issuance of bonds;

(h) To lease for commercial purposes space in any project which in the opinion of the Council is not and will not during the term of such lease be required for off-street vehicular parking facilities, provided that the aggregate of all such space so leased at any one time in any project shall not exceed twenty per cent. (20%) of the surface area of such project and that the term of any such lease shall not exceed a period of five (5) years from its date.

(i) To sell, lease, convey or otherwise dispose of any rights, interests or properties acquired under this Article, subject to any contractual obligation which may be entered into by the City with respect to the issuance of bonds;

(j) To exercise the right of eminent domain for the condemnation of private property or any right or interest therein for any of the purposes of this Article;

(k) To adopt such rules and regulations as may be necessary regarding the operation and maintenance of any project and to enable the City to exercise the powers and perform the duties conferred or imposed by this Article; and

(*l*) To do any and all acts or things necessary or appropriate to carry out the purposes of this Article and the provisions, covenants and agreements contained in any resolution of issue adopted pursuant to the authority conferred by this Article; provided that nothing in this Section or elsewhere in this Article contained shall be construed directly or by implication to be in any way in derogation or in limitation of any powers conferred upon or existing in the City by virtue of the provisions of the Constitution of the State of California or any other provision of this Charter.

Use of revenues

Section 4. Pledge of Net Revenues From Parking Meters and Existing Off-street Parking Facilities. In addition to all other powers elsewhere enumerated in this Article, the Council shall have power to pledge, place a charge upon, or otherwise make available and authorize payment of all or any part of the net revenues collected by the City from the establishment and operation of (i) on-street parking meters within the City now owned or controlled or hereafter acquired or controlled by the City, and (ii) existing off-street parking facilities, for such periods of years as shall be determined by the Council, for the payment of operation and maintenance costs of any one or more projects authorized by this Article or as security or further pro-

tection for the payment of principal of and interest on bonds issued pursuant to this Article.

Bond issues

Section 5. Issues of Bonds; Series and Divisions The Council may provide for one or several issues of bonds and may issue bonds in series, or may divide any issue into one or more series or divisions and fix different maturities or dates for each series or division, different rates of interest, or different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the Council by a resolution of issue at the time of or prior to the issue thereof.

Resolutions of issue

Section 6. Authorization of Revenue Bonds. Each issue of revenue bonds shall be authorized by the Council by a resolution of issue adopted by affirmative votes of at least five (5) members of the Council at a duly assembled meeting

Section 7. Resolutions of Issue Resolutions of issue shall provide for the aggregate principal amount, date or dates, maturities, interest rates, denominations and form, and may provide for the registration, transfer and interchange, of any revenue bonds and coupons issued pursuant to this Article; and shall prescribe the purpose or purposes for which said bonds are to be issued and the terms and conditions on which said bonds are to be executed, issued, secured, sold and paid, and, if desired, the terms and conditions on which said bonds may be redeemed prior to maturity or refunded.

Bonds

Section 8. Provisions Relating to Bonds. The following provisions shall govern and apply to (a) all revenue bonds issued pursuant to this Article, and (b) each resolution of issue relating to the bonds thereby authorized:

(1) Date of Bonds. Bonds shall bear dates prescribed by the resolution of issue.

(2) Maturity. Bonds may be serial bonds or sinking fund bonds with such maturities as shall be provided in the resolution of issue. No bond by its terms shall mature in more than forty (40) years from its own date, and, in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date of each such series or division shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

(3) Interest. Bonds shall bear interest at a rate of not to exceed six (6) per cent. per annum, payable annually or semi-annually, or in part annually and in part semi-annually.

(4) Coupon or Registered Bonds Bonds may be issued as coupon bonds or as registered bonds. A resolution of issue may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both

principal and interest, or otherwise as the resolution of issue shall prescribe.

(5) Redemption. Bonds may be callable upon such terms and conditions and upon such notice as the resolution of issue shall prescribe and upon payment of such premium (not exceeding six per cent. (6%) of the par value of such bonds) as may be fixed in the resolution of issue. No bond shall be subject to call or redemption prior to its fixed maturity date, unless the right to exercise such call is expressly stated on the face of the bond.

(6) Source of Payment. All revenue bonds shall be payable exclusively from revenues.

(7) Reference on Bonds to Resolution of Issue. Reference on the face of a revenue bond to the resolution of issue by its date of adoption is sufficient to incorporate all of the provisions thereof and of this Article into the body of said revenue bond and its appurtenant coupons. Each taker and subsequent holder of a revenue bond or coupons, whether such coupons are attached to or detached from said revenue bond, shall have recourse to all of the provisions of the resolution of issue and of this Article and shall be bound thereby.

(8) Recital in Bonds. All revenue bonds shall contain a recital on their face that neither the payment of principal of nor of interest on such bonds constitutes a debt, liability or obligation of the City of Richmond, except as provided in this Article.

(9) Place and Manner of Payment. The principal of and interest on bonds may be paid at any one or more places within or without the State of California and in any specified coin or currency of the United States of America, as may be provided in the resolution of issue.

(10) Execution and Authentication of Bonds; Validity of Signatures and Countersignatures. Bonds may be executed and authenticated by the manual, lithographed or printed facsimile signature of any officer or officers of the City and may also be authenticated by a trustee or fiscal agent appointed by the Council If any of the officers whose signatures or countersignatures appear on the bonds ceases to be such officer before the delivery of the bonds or coupons to the purchasers thereof, such signature or countersignature shall nevertheless be valid and of the same force and effect as if such officer had remained in office until the delivery of the bonds and coupons.

(11) Issuance of Temporary Bonds. Pending the actual issuance or delivery of definitive bonds, the Council may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, and with such provisions as the Council shall determine, to be exchanged for definitive bonds when ready for delivery. In the absence of an express recital on its face that a temporary bond or interim receipt is non-negotiable, such bond or interim receipt is a negotiable instrument.

(12) Replacement of Lost, Destroyed, Mutilated or Stolen Bonds. Lost, destroyed, mutilated or stolen bonds or coupons may be replaced as provided in the resolution of issue.

(13) Security. All revenue bonds shall be secured by an exclusive pledge and charge upon (a) all or a portion of the gross revenues of the project for the acquisition, construction and completion of which said bonds are issued or authorized to be issued, (b) revenues from on-street parking meters, and (c) revenues of any existing off-street parking facilities, all as provided for in the resolution of issue. Gross revenues of a project include improvements and extensions of such project later constructed or acquired. The gross revenues of the project, any interest earned on the gross revenues of the project, and all pledged on-street parking meter revenues and pledged revenues of existing off-street parking facilities shall constitute a trust fund for the security and payment of the principal of and interest on the bonds and so long as any bonds or interest thereon are unpaid said revenues and interest shall not be used for any other purpose; provided, however, that a resolution of issue may provide that if the principal of and interest on the bonds and all charges to protect and secure them are paid when due, an amount for the maintenance and operation costs of the project may be apportioned from revenues, but only to the extent specified in the resolution of issue.

(14) Bonds of Same Issue to Be Equally Secured. Bonds of the same issue shall be equally secured by a pledge and charge upon revenues, without priority for number, date of bonds, of sale, of execution, or of delivery; except that if the Council authorizes the issuance of bonds of different series it may provide that the bonds in any series shall, to the extent and in the manner prescribed in the resolution of issue, be subordinated and be junior in standing with respect to the payment of principal and interest and the security thereof to such other bonds as may be specified in the resolution of issue.

(15) Refunding Bonds. The Council may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming, retiring or refunding any revenue bonds issued under this Article, subject to any limitations contained in the resolution of issue pursuant to which such revenue bonds are issued. All provisions of this Article applicable to the issuance of revenue bonds shall be applicable to the refunding bonds and to the issuance, sale or exchange thereof.

(16) Amount of Refunding Bonds. Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be refunded thereby, and, in addition, for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds and the issuance of such refunding bonds. Such expenses may include the difference in amount between the par value of the refunding bonds and any amount less than par for which the refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such refunding bonds from the date of

sale thereof to the date of payment of the bonds to be refunded, or to the date upon which the bonds to be refunded will be paid pursuant to call thereof or agreement with the holders thereof, and also the premium, if any, necessary to be paid in order to call and retire the outstanding bonds and the interest accruing thereon to the date of call or retirement.

(17) Validity of Bonds Not Affected by Actions of City Relative to Project. The validity of the authorization and issuance of any revenue bonds by the Council shall not be dependent on or affected in any way by:

(a) Proceedings taken by the City for the acquisition, construction or completion of any project or any part thereof;

(b) Any contracts made in connection with the acquisition, construction or completion of any project; or

(c) The failure to complete any project for which bonds are authorized to be issued.

Section 9. Sale of Bonds. Before selling any bonds the Council shall give notice inviting sealed bids in such manner as the Council may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the Council determines that the bids received are not satisfactory as to price or responsibility of the bidders, the Council may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

Section 10. Sale Below Par. The Council may sell bonds at a price below the par or face value thereof, provided that the maximum net interest cost (computed on a 360-day year basis) on bonds sold below par or face value shall not exceed an average of six per cent. (6%) per annum, payable semi-annually, to the respective maturity dates of said bonds. Sale of bonds

Section 11. Payment of Incidental Expenses and Interest and Creation of Funds From Proceeds of Sale of Bonds. All costs and expenses incidental to the issuance and sale of bonds, including the cost of preparation of the bonds and coupons, the cost of all surveys, of preparation of plans and specifications, of all architectural, engineering, inspection, legal, financial and economic consultant's, trustee's and fiscal agent's fees, the creation of a bond reserve fund, the creation of a working capital fund, and bond interest estimated to accrue during the period of acquisition or construction of a project and for a period of not to exceed six (6) months thereafter, all as provided for in the resolution of issue, may be paid out of the proceeds of sale of the bonds. Payment of costs

Section 12. Provisions Relating to Resolutions of Issue. The following provisions shall govern and apply to each resolution of issue adopted by the Council: Resolutions of issue

(1) Construction Fund: Investment. A resolution of issue may provide that the proceeds of sale of all revenue bonds authorized thereby shall either be deposited in a fund separate and apart from all other funds of the City or paid direct to any bank or trust company designated by the Council as the fiscal agent of the City, and that said proceeds shall be held by the

City or such fiscal agent in a separate account to be designated the "Construction Fund" and be disbursed in the manner and upon the conditions provided in the resolution of issue for the object and purpose of the acquisition, construction and completion of the project therein designated, including the payment of all incidental expenses and interest and the creation of funds as provided for in Section 11 of this Article. Moneys in any construction fund may be invested as the Council in its sole discretion shall determine, subject only to such limitations as may be provided in the resolution of issue.

(2) Construction Fund Surplus. A resolution of issue may provide that any moneys in a construction fund remaining unexpended after said object and purpose shall have been completed shall be applied to the payment of the principal of and interest on said bonds, and that none of said moneys shall be transferred to any other fund of the City or used for any purpose other than as specified in the resolution of issue.

(3) Continuous Operation of Project; Repairs, Renewals and Replacements. A resolution of issue may provide that, so long as any bonds thereby authorized shall be outstanding, the City shall operate the project designated in the resolution of issue continuously and in an efficient and economical manner and in good working order and condition and shall make all necessary repairs, improvements and replacements.

(4) Rates, Fees and Other Charges. A resolution of issue may provide that the Council will prescribe, revise and collect rates, fees and charges for use of the facilities provided by the project acquired, constructed or completed from the proceeds of sale of the bonds issued pursuant to such resolution of issue, or for any services rendered in connection with such project, and for use of any on-street parking meters and existing off-street parking facilities any revenues from which are pledged to secure the bonds; that such rates, fees and charges shall at all times be sufficient to yield revenues from the project and net revenues from such on-street parking meters and existing off-street parking facilities equal to all redemption payments and interest charges on said bonds as the same fall due, together with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the security or further protection of said bonds, or as a depreciation charge or other charge in connection with such project; and that such rates, fees and charges shall not be reduced below an amount sufficient to provide funds to meet all obligations specified in the resolution of issue.

(5) Holding and Application of Revenues. A resolution of issue may require the City to hold or cause to be held in trust the revenues pledged to the payment of the principal of and interest on the bonds issued pursuant to said resolution of issue, or to any reserve or other fund created for the security or further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the resolution of issue.

(6) Preservation and Protection of Security of Bonds. A resolution of issue may require the City to preserve and protect the security of the bonds issued thereunder and the rights of the holders thereof and to warrant and defend such rights.

(7) Discharge of Lien Claims. A resolution of issue may require the City to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon revenues, or which might impair the security of any bonds issued for the acquisition, construction or completion of any project.

(8) Limitations Upon Power to Encumber Project. A resolution of issue may limit, restrict or prohibit, except upon such terms and conditions as may be provided therein, any right, power or privilege of the City to mortgage or otherwise encumber, or to sell, lease or dispose of a project or to enter into any lease or agreement which impairs or impedes the operation of a project or of any part thereof necessary to provide adequate revenues, or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

(9) Proceeds of Project Taken by Eminent Domain. A resolution of issue may provide that if any part of a project shall be taken by eminent domain or other proceeding authorized by law, the proceeds to the City therefrom shall be applied to the replacement of such project or to the payment and retirement of the bonds issued pursuant to such resolution of issue, or as otherwise set forth in said resolution of issue.

(10) Insurance. A resolution of issue may specify or limit the kinds and amounts of insurance to be maintained by the City on a project, or any part thereof (including insurance of any project against loss of revenues from any cause whatsoever, against public liability or property damage and against loss by fire or any other hazard, as may be provided in any resolution of issue), and provide for the payment of the premiums thereon, and specify the use and disposition of proceeds of any such insurance thereafter collected.

(11) Books, Records and Accounts. A resolution of issue may provide:

(a) That the City will keep accurate books and records of account showing all revenues received from the operation of any project and all expenditures thereof, and all revenues from on-street parking meters and existing off-street parking facilities pledged or otherwise made available as security or as further protection for the bonds issued pursuant to said resolution of issue;

(b) That all such books and records shall be open at all times during business hours to the inspection of the holders of one or more of the bonds or of any specified percentage of such holders or their duly authorized representatives;

(c) That annual or other periodic statements of the condition of such project and of all of said other revenues will be furnished to the holders of the bonds;

(d) That summaries of all such statements will be published at least annually in the official newspaper of the City; and

(e) That the books and records of the City pertaining to the operation of any project and to all of said other revenues shall be audited by independent public accountants in such manner and under such circumstances as may be set forth in said resolution of issue.

(12) Trustee; Fiscal Agent; Paying Agents. A resolution of issue may designate a bank or trust company, qualified to do business in the State of California, as a trustee or fiscal agent for the City and holders of bonds issued under said resolution of issue, and may authorize any such trustee to act on behalf of the holders of the bonds or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders. A resolution of issue may authorize the City to designate any bank or trust company in any city in which any bonds are made payable as the City's paying agent in such city. A resolution of issue may fix and determine the conditions upon which any trustee, fiscal agent or paying agent shall receive, hold or disburse any or all revenues deposited with it by or by authority of the City or the Council. A resolution of issue may prescribe the duties and powers, if any, of any such trustee, fiscal agent or paying agent with respect to the issuance, authentication, sale and delivery of the bonds, the payment of the principal thereof and interest thereon, the redemption thereof, the registration and discharge from registration of bonds and the management of any funds provided for in the resolution of issue as security for the bonds.

(13) Competitive Projects. A resolution of issue shall contain a covenant that the City shall not, while any revenue bonds authorized by this Article are issued or outstanding, acquire, construct, complete or maintain any off-street vehicular parking facilities or places within the City of Richmond, which compete in any way with any project or which are similar to any off-street vehicular parking facilities or places maintained or operated by the City or the Council through the issuance of revenue bonds pursuant to this Article; excepting, however, any and all off-street vehicular parking facilities now maintained by the City in and adjacent to the Civic Center for free public parking

(14) Limitation on Additional Indebtedness. A resolution of issue may limit or restrict the incurring of additional indebtedness payable in whole or in part from the revenues charged with payment of the bonds issued pursuant to such resolution of issue.

(15) Events of Default. A resolution of issue may designate the rights, limitations, powers and duties arising upon breach by the City of any of the covenants, conditions or obligations therein contained, and may provide the terms and conditions upon which all bonds issued thereunder may be declared or become due and payable prior to maturity and the terms and

conditions upon which such declaration and its consequences may be waived.

(16) Amendment or Modification of Resolution of Issue. A resolution of issue may prescribe a procedure by which its terms and conditions may be subsequently amended or modified with the consent of the City and the vote or written assent of the holders of a specified principal amount or proportion of the bonds issued and outstanding, including

(a) Provision for meetings with bondholders and the manner in which the consents of the bondholders may be given,

(b) A specific statement of the effect of each such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto; and

(c) If desired, a provision that bonds held by the City or by the State of California or any public corporation, political subdivision, city, county, district or any agency of any thereof, shall not be counted as outstanding bonds or be entitled to vote or consent, but shall nevertheless be subject, to any such amendment or modification.

(17) Use of Surplus. After all of the revenue bonds issued pursuant to a resolution of issue shall have been fully paid or discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in any construction fund or other fund provided for the security or further protection of the bonds shall, subject to the limitations and restrictions in said resolution of issue, become and be the property of the City and be used by the City for any lawful purpose.

(18) Additional Covenants and Agreements. A resolution of issue may provide for such other acts and matters and may include any and all such additional covenants and agreements on the part of the City as the Council shall deem necessary or advisable for the better security of the bonds issued thereunder or to make said bonds more marketable.

Bondholders' rights

Section 13. Rights of Bondholders. Except as provided otherwise in any resolution of issue the holder of any bond issued pursuant to this Article may by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the City or the Council or any official or employee of the City or assumed by any thereof in connection with the acquisition, construction, completion, operation, maintenance, repair, reconstruction or insurance of any project, or the collection, deposit, investment, application and disbursement of rates, fees and charges derived from the operation and use of any project and all other revenues, or in connection with the deposit, investment or disbursement of the proceeds received from the sale of the bonds under this Article. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this Article.

Bond issue authority

Section 14. Article Confers Complete Authority. The provisions of this Article constitute full and complete authority for the issuance of revenue bonds as herein provided by the Council of the City of Richmond and no other procedure, or proceedings,

consents, approvals, orders or permission from any municipal officer or board of the City of Richmond, shall be required for the acquisition, construction or completion of any project, or the issuance of any revenue bonds under this Article, except as specifically provided in this Article.

Power and authority

Section 15. Provisions of Article Alternative. The powers and authorities conferred by this Article are in addition to and supplemental to all other powers and authorities conferred upon the City of Richmond. The method provided in this Article for the acquisition, construction and completion of projects and the issuance of revenue bonds shall be deemed an additional method for acquiring, constructing and completing such projects and providing funds therefor; provided that the City of Richmond may, in its discretion, acquire any properties for off-street vehicular parking facilities and issue general obligation bonds of the City of Richmond therefor, subject, however, to the condition that the City of Richmond shall not, while any revenue bonds authorized by this Article are issued and outstanding, acquire, construct or complete any off-street vehicular parking facilities, other than those specifically described in the last clause of paragraph (13) of Section 12 of this Article, which compete with any project operated or maintained through the issuance of revenue bonds by the Council.

Exemption from bonded indebtedness

Section 16. Revenue Bonds Excluded from Bonded Indebtedness of City. Revenue bonds issued under this Article shall not be taken into consideration in determining the bonded indebtedness which the City of Richmond is authorized to incur pursuant to Section 8 of Article IX of this Charter and shall be excluded from any limitation provided by this Charter or by law on the amount of bonded indebtedness of the City.

And we further certify that we have compared the foregoing proposed and ratified amendment to the charter of the City of Richmond with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Richmond to be affixed hereto this 8th day of December, 1952.

GUST J. ALLYN
(SEAL) Mayor of the City of Richmond.
JOHN DEROY
City Clerk of the City of Richmond.

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, **That said**

amendments to the charter of the City of Richmond as presented to, and adopted, and ratified by the electors of said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of said City of Richmond.

CHAPTER 51

Assembly Joint Resolution No. 2—Relative to closing the United States-Mexico border to unescorted minors.

[Filed with Secretary of State, March 3, 1953.]

Closing United States-Mexico border to unescorted minors

WHEREAS, Citizens of the United States are permitted to visit and return from many towns across the Mexican border without restriction; and

WHEREAS, A congressional committee has reported information that many minors are visiting these towns for the sole purpose of obtaining drugs, including marijuana and heroin; and

WHEREAS, The increased use of narcotics by minors is becoming a serious problem in the United States; and

WHEREAS, Recently more and more sinister crimes have been committed by minors while under the influence of narcotics; and

WHEREAS, Restrictions on narcotic drugs under the laws of the United States are of little force and effect if minors have free access to the drugs; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the State Department to take such measures as may be necessary to close the United States-Mexico border to all minors who are not accompanied by adults; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the President and to the Secretary of State of the United States, and to each Member of Congress from California.

CHAPTER 52

Senate Joint Resolution No. 20—Relative to the use of moneys received from the national forests.

[Filed with Secretary of State, March 5, 1953.]

Use of money from national forests

WHEREAS, There are extensive national forests in the State of California, and these forests are attracting growing numbers of people; and

WHEREAS, The great popularity of these forests has created the need for policing, sanitary, and other services and facilities

beyond the ability of local governmental authorities to provide, without great hardship, and it appears just that the Federal Government, which derives revenues from the national forests, should also help pay the cost of services necessary to their use; and

WHEREAS, The Congress of the United States has before it for consideration H. R. 1972, which provides that 10 percent of all moneys received from the national forests, but not to exceed five million five hundred thousand dollars ($5,500,000) in any year, shall be made available for development, maintenance and operation of the national forests; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is respectfully memorialized to enact H. R. 1972; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 53

Assembly Concurrent Resolution No. 35—Relative to the death of Clifford E. Peterson.

[Filed with Secretary of State, March 9, 1953.]

Death of Clifford E Peterson

WHEREAS, The Members of the Legislature received with regret the news of Clifford E. Peterson's death on February 10, 1953; and

WHEREAS, He had faithfully served the Department of the California Highway Patrol since 1947 with vision and vigor as its first commissioner, and earned national recognition for the activities of that department in public safety education and enforcement; and

WHEREAS, His service to the State was preceded by a brilliant career in the Long Beach Police Department, commencing when he arrived in California from his native state of North Dakota at 23 years of age; and he served the people of San Diego as their chief of police from 1940 to 1947, and earned for that city first place in the 1946 National Safety Contest; and in 1934 he did important pioneering work in the use of two-way police car radios; and

WHEREAS, This generous man found time to contribute to the field of law enforcement education through lectureships at the Universities of California and Southern California and by serving on various advisory committees; and he shared the pleasure and value of his presence with the International Association of Chiefs of Police, the Peace Officers Association of California, the Rotary Club, the Masons and the Mystic Shrine; and he was

honored as 1937 graduating class president of the F.B.I. National Academy and as 1947-48 President of the F.B I. Academy Associates; and

WHEREAS, The constant devotion to the cause of highway safety in California was a significant factor in hastening the death of this 52-year-old public servant; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California wish to communicate their own feeling of loss and appreciation, as well as to extend their deepest sympathy, to the family of Clifford E. Peterson; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Mrs. Nora Peterson, his widow.

CHAPTER 54

Senate Concurrent Resolution No. 38—Relative to approving a certain amendment to the charter of the City of Santa Clara, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of November, 1952.

[Filed with Secretary of State, March 9, 1953]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment hereinafter set forth to the charter of the City of Santa Clara, a municipal corporation in the County of Santa Clara, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit: City of Santa Clara Charter amendments

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SANTA CLARA OF A CERTAIN CHARTER AMENDMENT

State of California
County of Santa Clara } ss.
City of Santa Clara

We, the undersigned, William P. Kiely, Mayor of the City of Santa Clara, County of Santa Clara, State of California, and A. S. Belick, City Clerk and Ex-officio Clerk of the City Council of the City of Santa Clara, do hereby certify and declare as follows: Certificate

That the City of Santa Clara, a municipal corporation of the County of Santa Clara, State of California, now is and at all times herein mentioned was, a city having a population of more than thirty-five hundred inhabitants, and has been since May 5, 1952, and now is operating under a freeholder's charter adopted under and by virtue of Article XI, Section 8 of the Constitution

of the State of California, and ratified by the Legislature of the State of California, on April 25, 1951.

That on the 23rd day of June, 1952, a proposal to amend said charter was filed in the Office of the City Clerk of said City by a petition signed by at least 15 per cent of the registered electors of said City, and which said proposed amendment is hereinafter set forth.

That no notice of intention to circulate the petition to amend said charter before the circulation thereon was ever published in the manner prescribed by Section 1702 of the Elections Code of the State of California, or at all by the proponents thereof, and at all times herein mentioned there was and now is a newspaper published in the City of Santa Clara.

That no affidavit of publishing the notice, required by Section 1705 of the said Elections Code, was ever filed in the Office of the City Clerk by the proponents of said petition.

That thereafter and on the 12th day of August, 1952, the City Council of the City of Santa Clara submitted the said proposed amendment to the Charter of said City to the electors of said City at a special election to be held therein on November 4, 1952.

That pursuant to Resolution duly adopted by said Council, said proposed Charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California.

That the aforesaid special election was duly consolidated with the General State Election held said 4th day of November, 1952, and the returns of said election were duly canvassed by the Board of Supervisors of the County of Santa Clara.

That at said special election, and as appears by said canvass of said returns, a majority of the voters voting on said proposal to amend the Charter of the City of Santa Clara voted in favor of said amendment.

That the said amendment to the Charter of the City of Santa Clara so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection is in the words and figures following:

Election of police chief and city clerk

The chief of the police department and the city clerk shall be elected from the city at large, at the time and in the manner in this charter provided for election of the members of the city council, and shall serve for a term of four years.

Immediately upon this amendment becoming effective, the city council shall call a special election to be held within forty days from the date of calling said election, for the election of the chief of the police department and the city clerk of the City of Santa Clara, to hold office until the first Monday in May, 1955. At the regular election to be held in the City of Santa Clara on the first Tuesday in April, 1955 and each fourth year thereafter, a chief of the police department and a city clerk shall be elected for a term to commence on the first Monday in May following such election and each shall serve until his successor is elected and qualified.

Any provision of the charter for the City of Santa Clara in conflict with this amendment is hereby repealed.

We further certify that we have compared the text of the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct, complete and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and have caused the corporate seal of the City of Santa Clara to be affixed this 24th day of February, 1953.

WM. P. KIELY
(SEAL) Mayor of the City of Santa Clara
A. S. BELICK
City Clerk of the City of Santa Clara

and,

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Santa Clara as presented to, and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as a part of the charter of said City of Santa Clara. Approval

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CHAPTER 55

Senate Concurrent Resolution No. 39—Relative to the death of Clifford E. Peterson.

[Filed with Secretary of State, March 9, 1953]

WHEREAS, The Members of the Legislature were saddened to learn of the death of Clifford E. Peterson, at the age of 52 years on the morning of February 10, 1953, at Sacramento; and Death of Clifford E Peterson

WHEREAS, This native son of North Dakota commenced a loyal and distinguished career of public service in the State of California in the field of law enforcement at the age of 23 when he joined the Long Beach Police Department, and proved his capabilities by being entrusted with increasingly responsible positions in that service until he was called to the office of Chief of Police of San Diego in 1940, and under his tutelage San Diego earned first place in 1946 in the National Traffic Safety Contest; and

WHEREAS, Governor Earl Warren wisely appointed him the first Commissioner of the Department of the California Highway Patrol in 1947, and two years later the Highway Patrol received national recognition for its activities in public safety education and enforcement; and

WHEREAS, This devoted and patient man gave of himself in the field of law enforcement education through lectureships at the Universities of California and Southern California and by serving on various advisory committees, and extended his contagious influence by belonging to the International Association of Chiefs of Police, the Peace Officers Association of California, the Rotary Club, the Masons and the Mystic Shrine, and distinguished himself as president of the 1937 graduating class of the F.B.I. National Academy, and served as president of the F.B.I. Academy Associates in 1947-48, and is credited with important pioneering in the use of two-way radios for police cars in 1934; and

WHEREAS, The Members of the Senate and Assembly wish to express the sincere appreciation of the people of California for the unceasing concern of Clifford E. Peterson for their safety on the highways, and realize with humility that his devotion to duty in meeting the harassing problems of motor traffic in California was an important factor in prematurely cutting short a public service which will be long remembered; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature of the State of California wish to express their feeling of loss in friendship and service at the passing of Clifford E. Peterson to his widow, Mrs. Nora Peterson, his son, Clifford E. Peterson, Jr., his father, Charles P. Peterson, and his sister, Mrs. Lloyd P. Connelly; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to Mrs. Nora Peterson.

CHAPTER 56

Senate Concurrent Resolution No. 41—Relative to the death of Robert M. Searls.

[Filed with Secretary of State, March 9, 1953.]

Death of Robert M. Searls

WHEREAS, The news of the unexpected passing of Robert M. Searls at his home in San Francisco on Sunday, March 1, 1953, has reached the Members of the Legislature in session at Sacramento; and

WHEREAS, He was from pioneer California families, his paternal grandfather, Niles Searls, coming to California in 1849 to become later the Chief Justice of our Supreme Court, and his maternal grandfather, Rev. William C. Pond, coming to California in 1851 as a Congregational missionary; and

WHEREAS, He went forth from Nevada City, the place of his birth in 1886 and early education, to become an outstanding authority in mining, petroleum and water law after receiving a B.S. degree from the University of California and a law degree from the Hastings Law School; and

WHEREAS, He served the City of San Francisco as assistant city attorney from 1914 to 1917 and as special counsel for water supply matters from 1917 to 1926, during which time the protracted litigation over the Hetch Hetchy Reservoir transpired; and

WHEREAS, He was engaged in the private practice of law in his specialty from 1926 to the time of his death in San Francisco, and was a member of the Commonwealth Club, University Club, San Francisco Golf Club, Chit Chat Club, San Francisco Bar Association and the California State and American Bars; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Senate and Assembly express their own sadness at the death of this distinguished and accomplished gentleman, and wish to make known the sincere feelings of sympathy they hold for Robert M. Searls' widow, Mrs. Gertrude T. Searls, his son, Fred Searls, his daughters, Mrs. Elvin A. Giacobbi and Mrs. William Janss, his nine grandchildren, his brothers Fred, Henry, Niles and Carrol Searls, and his sister, Mrs. William Bray; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to Mrs. Gertrude T. Searls.

CHAPTER 57

Senate Joint Resolution No. 19—Concerning the restoration to Congress of the fixing of tariffs.

[Filed with Secretary of State, March 9, 1953.]

WHEREAS, It is essential to the protection of the American standard of living and the American way of life that products of foreign countries be admitted to this country only on a basis which will not endanger the living standards of the American working man and the American farmer and will not threaten serious economic injury to any domestic industry; and

Fixing of tariffs

WHEREAS, Promotion of world trade by the Government of the United States should adhere to this principle so that the economic status of the American people may be maintained and not reduced to that in the depressed areas of the world where work is performed behind the sweatshop curtain; and

WHEREAS, While recent imports of live cattle and frozen and canned beef from Mexico, Canada, New Zealand, and other areas have dramatically highlighted the problem with respect to one industry, yet it is a problem affecting all of the branches of agriculture, industry, and commercial production; and

WHEREAS, The Congress of the United States abandoned its traditional function of fixing tariffs on foreign commerce entering the United States under the Trade Agreements Act of 1934 to the executive department of the government, which has carried out policies inconsistent with the welfare of American agriculture, industry, and commerce; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California most respectfully memorializes the Congress of the United States to return to its traditional method of fixing tariffs based on principles of protection of American agriculture, industry, and commerce, and the standard of living for all American citizens created thereby; and be it further

Resolved, That until Congress so acts, the executive department of the government exercise its powers of fixing tariffs only in accordance with the traditional principles of American policy as set forth in this resolution; and be it further

Resolved, That the Secretary of the Senate send copies of this resolution to the President of the United States, the Secretary of State, the Secretary of Commerce, the Secretary of Agriculture, the Chairman of the United States Tariff Commission, the President of the United States Senate, the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States.

CHAPTER 58

Assembly Joint Resolution No. 3—Relative to using money collected by federal gasoline, diesel fuel, and lubricating oil taxes upon federal-aid primary highway systems.

[Filed with Secretary of State, March 10, 1953.]

Use of federal gasoline, etc., tax revenues

WHEREAS, The Federal Government imposes a six cent ($0.06) a gallon tax on lubricating oil, and a two cent ($0.02) a gallon tax on gasoline and diesel fuel sold by the producer or importer thereof; and

WHEREAS, The ultimate burden of paying such taxes is on those who operate motor vehicles over the Nation's highways and who use lubricating oil to lubricate machinery; and

WHEREAS, It is only just and equitable that the revenue derived from such taxes be used primarily for the benefit of those who make them possible; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to amend the federal gasoline, diesel fuel, and lubricating oil tax acts so that all revenues collected thereunder shall be used solely for the construction, improvement, repair and maintenance of federal-aid highway systems throughout the United States; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 59

Senate Concurrent Resolution No. 42—Relative to the passing of Raymond V. Darby.

[Filed with Secretary of State, March 10, 1953.]

WHEREAS, The members of the Senate and of the Assembly were deeply grieved at the sudden and untimely passing on March 5, 1953, of the Honorable Raymond V. Darby, member of the Board of Supervisors of Los Angeles County, one of the most outstanding leaders in the State in the field of county government; and

Death of Raymond V. Darby

WHEREAS, Raymond V. Darby was born in Washington County, Kansas, and graduated from the University of Kansas, and

WHEREAS, He served with distinction in the United States Navy during World War I and came to this State in 1922; and

WHEREAS, He began his 27 years in public service in 1927 as a member of the City Council of Inglewood, serving in that capacity for four years, and then serving as Mayor of the City of Inglewood for 14 years, during which time he achieved distinction as an expert in city government; and

WHEREAS, He has been a member of the Board of Supervisors of Los Angeles County for over eight years, having first been elected in 1944 and re-elected in 1948 and 1952; and

WHEREAS, It is fitting that the Legislature of the State of California should honor a distinguished Californian who has ably served his fellow citizens; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the members of this Legislature take this means of according recognition to the outstanding career of Raymond V. Darby and of expressing their grief at his passing, and extending to his surviving family their profound sympathy; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Mrs. Ivey Darby, widow of Raymond V. Darby, and to his two sons and two daughters, and to the City Council of Inglewood and to the Board of Supervisors of Los Angeles County.

CHAPTER 60

Assembly Concurrent Resolution No. 40—Relative to the passing of Raymond V. Darby.

[Filed with Secretary of State, March 11, 1953.]

WHEREAS, The Members of the Assembly and the Senate have received with deepest regret news of the untimely passing in Los Angeles on March 5, 1953, of the Honorable Raymond V. Darby, member of the Board of Supervisors of Los Angeles County; and

Death of Raymond V. Darby

WHEREAS, Mr. Darby was 56 years of age, born on a farm in Washington County, Kansas, and graduated from the University of Kansas; and

WHEREAS, He served in the Navy in World War I, and came to California in 1922; and

WHEREAS, He has been in the public service for 27 years, four years as a member of the Inglewood City Council and 14 years as Mayor of the City of Inglewood; and

WHEREAS, He has served as a member of the Board of Supervisors of Los Angeles County for over eight years, having been first elected in 1944 and then re-elected in 1948 and 1952; and

WHEREAS, During his long and distinguished public service he has achieved a well-deserved reputation as one of the most able and respected men in public life in Southern California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California express their grief at the untimely passing of Raymond V. Darby and desire by this resolution to pay tribute to his excellent qualities and to convey to his family their sympathy in this great loss; and be it further

Resolved, That when the Legislature this day adjourns it do so out of respect to the memory of Raymond V. Darby; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit suitably prepared copies of this resolution to Ivey Darby, his widow, and to his two sons and two daughters.

CHAPTER 61

Assembly Concurrent Resolution No. 41—Relative to the death of James J. Jeffries.

[Filed with Secretary of State, March 11, 1953.]

Death of James J. Jeffries

WHEREAS, The death of one of the world's great sports figures, James J. Jeffries, saddened the members of the California Legislature; and

WHEREAS, He thrilled sports fans everywhere by his meteoric rise from Los Angeles boilermaker to king of the heavyweights, reigning from 1899 to 1905 and abdicating as the undefeated champ; and

WHEREAS, He was born in Carroll, Ohio, April 15, 1875, of Irish-American stock, one of eight children of a Methodist clergyman, and the family moved to Los Angeles when Big Jim was six, and he won his first fight and $500 at the age of 16; and

WHEREAS, He had a lively and profound interest in the Bible, aided countless ring hopefuls in Jeffries' Barn across the street from his home, gave liberally to charity, and delighted in a warm family life; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature ex-

tend sincere condolences to the family of James J. Jeffries; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitable copy of this resolution to his niece and housekeeper, Mrs. Lillian Bull.

CHAPTER 62

Senate Joint Resolution No. 8—Relative to granting the Territory of Hawaii statehood in the United States.

[Filed with Secretary of State, March 12, 1953.]

Granting statehood to Hawaii

WHEREAS, For many years the people and the Governments of the State of California and the Territory of Hawaii have enjoyed the most close and friendly business, personal, and cultural relationships; and

WHEREAS, The people of the Territory of Hawaii, regardless of racial descent, at all times have demonstrated their complete loyalty to the United States and during World War II, particularly, served with great valor and distinction in the armed forces of the United States; and

WHEREAS, In April of 1950 a convention drafted a Constitution, which was approved by the voters in the 1950 General Election and also the Territorial Legislature; and

WHEREAS, It is important for the Territory of Hawaii in its present status to enjoy the sovereignty to which it is entitled and to develop its resources most advantageously; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress and the President of the United States be, and they are hereby, urged and memorialized to enact at this session of the Congress such laws as will grant the present Territory of Hawaii the status of statehood in the United States and create the State of Hawaii as the forty-ninth state of our Country; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to transmit copies of this resolution to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 63

Senate Joint Resolution No. 14—Relative to flood control works on the San Joaquin River.

[Filed with Secretary of State, March 12, 1953.]

San Joaquin River flood control

WHEREAS, The Federal Flood Control Act, approved by Congress December 22, 1944, authorized a plan of improvement for flood control, and other purposes, on the San Joaquin River

and its tributaries in accordance with the recommendation of the Chief Engineer in Flood Control Committee Document No. 2, Seventy-eighth Congress, Second Session; and

WHEREAS, The Legislature by Section 33 of the State Water Resources Act of 1945 adopted and authorized this plan of improvement; and

WHEREAS, Losses from floods during 1937 and 1938 throughout the San Joaquin Basin aggregated more than five million three hundred forty thousand dollars ($5,340,000) and losses from floods during 1950 and 1951 in that area aggregated over nine million three hundred forty thousand dollars ($9,340,000), and since 1900 these lands have suffered 40 damaging floods; and

WHEREAS, The loss due to flood damage increases with the passing of years because of the increased population and the greater centralization of agricultural and industrial growth which are subject to the ravages of the floods; and

WHEREAS, It is essential that the added work be done on the San Joaquin River to prevent to the extent possible further flood damage; and

WHEREAS, The completion and operation of Friant Reservoir makes it feasible to commence construction of the unit of the project comprising channel improvement works along the San Joaquin River between the Merced and Tuolumne Rivers and levee construction from the mouth of the Merced downstream to Puerto Creek near the Town of Westley, and the revetment of river banks and levees at critical locations near the head of Sacramento-San Joaquin Delta, requiring the expenditure of approximately eight hundred thousand dollars ($800,000); and

WHEREAS, Federal funds have not been made available for this work; and

WHEREAS, The State Water Resources Board has included in its recommendation to Congress for federal flood control funds for the 1954 Fiscal Year, the eight hundred thousand dollars ($800,000) required for the construction of this work, thus recognizing its importance to the welfare and safety of the people of this State; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That Congress is respectfully memorialized to provide the funds necessary to construct the channel improvement works along the San Joaquin River, the levees from the mouth of the Merced River downstream to Puerto Creek, and the revetment of river banks and levees at critical locations near the head of the Sacramento-San Joaquin Delta in accordance with the recommendations of the State Water Resources Board; and be it further

Resolved, That the Secretary of the Senate submit a copy of this resolution to the President of the United States, to the President of the Senate, to the Speaker of the Assembly, and to each Senator and Representative from the State of California in the Congress of the United States, and to the Chief Engineer of the United States Army.

CHAPTER 64

Senate Concurrent Resolution No. 37—Relative to augmenting funds of the Joint Committee on Agriculture and Livestock Problems.

[Filed with Secretary of State, March 16, 1953.]

Augmenting funds of Joint Committee on Agriculture and Livestock Problems

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available the sum of two thousand five hundred dollars ($2,500) or so much thereof as may be necessary, is hereby made available from the contingent funds of the Senate and of the Assembly for the expenses of the Joint Legislative Committee on Agriculture and Livestock Problems (created by Senate Concurrent Resolution No. 69, 1951 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 65

Senate Concurrent Resolution No. 34—Relative to delivery of electric power from Central Valley Project facilities.

[Filed with Secretary of State, March 18, 1953.]

Central Valley electric power

WHEREAS, The Legislature, in adopting Assembly Concurrent Resolution No. 15 in its 1952 Regular Session, stated that the fulfillment of the purposes for which the Central Valley Project was conceived requires that power generated in connection with the Central Valley Project be utilized first to meet the needs of the people within the State and to accomplish the full utilization of the central valley works before any power is made available for use outside of California; and

WHEREAS, The United States Bureau of Reclamation has now entered into a contract with an agency of the State of Nevada to furnish power to that agency from the Central Valley Project facilities; and

WHEREAS, Delivery of the power under the contract can be effected only through a wheeling arrangement with certain public utilities in this State; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That all public and private agencies, including but not limited to the Pacific Gas and Electric Company and the Southern California Edison Company, are urged not to enter into any wheeling or other agreement which, in any manner, would facilitate the delivery of power developed by Central Valley Project works for use outside of California,

until this Legislature can further consider the matter; and be it further

Resolved, That the Public Utilities Commission is urged to defer approval of any further contracts providing for the wheeling of power developed by Central Valley Project facilities until this Legislature can further consider measures necessary to protect the public interest in connection with such contracts; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Pacific Gas and Electric Company, the Southern California Edison Company, and the California Public Utilities Commission.

CHAPTER 66

Senate Concurrent Resolution No. 50—Relative to the passing of the Honorable Jesse M. Mayo.

[Filed with Secretary of State, March 18, 1953.]

Death of Jesse M Mayo

WHEREAS, The Honorable Jesse M. Mayo of the Twenty-sixth Senatorial District was stricken with a sudden illness on the Sixth of March, 1953, but a few short days ago, and departed from this life after the Legislature had adjourned from its labors of yesterday, March 12th, and

WHEREAS, The Honorable Jesse M. Mayo, a native of our sister State of North Carolina, was a printer and publisher, a resident of Angels Camp, Calaveras County, and for years owner and editor of the Calaveras Californian and the Calaveras Prospect and Citizen, and

WHEREAS, The Honorable Jesse M. Mayo was honored by the voters of the community in which he resided by being elected to the Assembly of the California Legislature in 1932, and continuously re-elected until 1938 when he was elected to the Senate to which he has been three times re-elected, and

WHEREAS, During his years of service as a legislator, Senator Mayo proved himself a deep student of public affairs, and one dedicated to the highest type of statesmanship, displaying particular interest in the economic and efficient conduct of public affairs, and an amicable and cooperative relationship between the several states, having served as chairman of the Committee on Interstate Cooperation, and having represented the State of California on numerous occasions in that connection and as Vice President of the Council of State Governments, and rendering conspicuous service as Chairman of the Fact Finding Committee on San Francisco Bay Ports, and

WHEREAS, In addition to all of this, Senator Mayo was a man of kindly and convivial disposition, highly esteemed and affectionately regarded by his fellow legislators and hosts of friends, being a member of the Masonic Order, the Elks, the Eagles, the Moose and the Red Men; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring, That the Legislature deeply deplores the passing of this fine, conscientious, unassuming statesman, and desires by this resolution to convey its most profound sympathy to the bereaved members of his family; and be it further

Resolved, That when the Legislature shall adjourn from its labors of this 13th day of March, 1953, it shall do so in respect to the memory of the late Jesse M. Mayo; and be it further

Resolved, That the Secretary of the Senate be, and he is hereby directed to forward suitably engrossed copies of this resolution to Hildred Mayo, his widow, Raymond Mayo and Jesse Mayo, Jr., his sons, and Mrs. C. A. Mayo, mother of the Hon. Jesse M. Mayo.

CHAPTER 67

Assembly Concurrent Resolution No. 27—Relative to the passing of Lawrence M. Giannini.

[Filed with Secretary of State, March 18, 1953.]

Death of Lawrence M Giannini

WHEREAS, Since the last session of the Legislature, the State of California and the City of San Francisco have lost one of their most distinguished citizens through the untimely passing of Lawrence M. Giannini, on August 19, 1952; and

WHEREAS, It is fitting that the Legislature of the State of California at this time express its regret that the State of California and this Country will no longer be served by one of its most devoted citizens; and

WHEREAS, Lawrence Mario Giannini was born in San Francisco on November 25, 1894, the son of A. P. Giannini, who founded the Bank of America; he obtained his law degree from Hastings College of Law in 1920; and thereafter began his long and distinguished career with the Bank of America, of which he was president at the time of his death; and

WHEREAS, Lawrence M. Giannini aided his father in making the Bank of America the largest financial institution in the land, and a powerful force in the development of California to its present position; and

WHEREAS, He was a prime mover in the Crusade for Freedom movement, which formulated nongovernment propaganda campaigns now being beamed by radio to Europe and the Far East; and

WHEREAS, He always displayed a keen interest in governmental and foreign affairs, serving as a member of the President's Committee for Financing Foreign Trade, the Committee on International Economic Policy, the Advisory Council of United States Associates, and the Business Policy Committee of the United States Council; and

WHEREAS, He was particularly interested in the education and welfare of our youth, serving as Regent of the University

of California; Chairman, Board of Associates, San Francisco State College School of World Business; and Director and Chairman of the Executive Board of the Salesian Boys' Club; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California, on behalf of the people of this State, mourns the passing of Lawrence Mario Giannini, a man whom the State of California proudly claims as one of its foremost citizens; and be it further

Resolved, That the Secretary of the Senate transmit suitable copies of this resolution to the widow of Lawrence M. Giannini, Anna Mercedes Giannini, his two daughters, Anne and Virginia Giannini, and his sister, Claire Giannini Hoffman.

CHAPTER 68

Senate Joint Resolution No. 12—Relative to requesting the Congress of the United States to adopt and submit an amendment to the Constitution pertaining to treaties and executive agreements.

[Filed with Secretary of State, March 23, 1953.]

U S Constitution Amendment re treaties and executive agreements

WHEREAS, It is essential to the welfare of the people of this Nation that the Constitution of the United States be amended to clarify its provisions regarding the effect of treaties with foreign powers upon domestic matters and also as to the making of executive agreements; and

WHEREAS, Senate Joint Resolution No. 1 has been introduced in the Eighty-third Congress the text of which reads:

JOINT RESOLUTION
Proposing an amendment to the Constitution of the United States relative to the making of treaties and executive agreements.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each house concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several states:

"ARTICLE _____

"SECTION 1. A provision of a treaty which denies or abridges any right enumerated in this Constitution shall not be of any force or effect.

"SEC. 2. No treaty shall authorize or permit any foreign power or any international organization to supervise, control, or adjudicate rights of citizens of the United States within the United States enumerated in this Constitution or any other matter essentially within the domestic jurisdiction of the United States.

"SEC. 3. A treaty shall become effective as internal law in the United States only through the enactment of appropriate legislation by the Congress.

"SEC. 4. All executive or other agreements between the President and any international organization, foreign power, or official thereof shall be made only in the manner and to the extent to be prescribed by law. Such agreements shall be subject to the limitations imposed on treaties, or the making of treaties, by this article

"SEC. 5. The Congress shall have power to enforce this article by appropriate legislation

"SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission."

now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is hereby requested and urged to adopt Senate Joint Resolution No. 1; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 69

Assembly Concurrent Resolution No. 36—Relative to eulogizing Harry Clifford Lucas.

[Filed with Secretary of State, March 24, 1953.]

Death of Harry Clifford Lucas

WHEREAS, Harry Clifford Lucas was born in Santa Cruz, California, on April 20, 1879; and

WHEREAS, He was educated in the Santa Cruz public schools and at Stanford University, was admitted to the California Bar in 1903, and, except for a short career as a teacher and rancher, practiced law until his death on September 7, 1952; and

WHEREAS, He was elected to the Assembly and served one term in the Legislature, was Chief Inheritance Tax Attorney in San Francisco, served as a Judge of the Superior Court of Santa Cruz County, and was General Counsel and Vice President of Pacific Greyhound Lines; and

WHEREAS, His life as a member of the Bench and Bar and as a private citizen was a full and rich one, characterized by public service and solicitude for his fellow man, and one to be admired and emulated by all; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the passing of Harry Clifford Lucas be commemorated by means of this resolution; and be it further

Resolved, That suitably prepared copies of this resolution be forwarded to Harry C. Lucas, Jr., and to the Santa Cruz County Bar Association.

CHAPTER 70

Assembly Concurrent Resolution No. 47—Relative to congratulating Governor Earl Warren on his sixty-second birthday.

[Filed with Secretary of State, March 24, 1953.]

Earl Warren Birthday

WHEREAS, March 19, 1953, is the sixty-second birthday of His Excellency Earl Warren, Governor of our beloved State of California; and

WHEREAS, Governor Warren, born in Los Angeles, California, to a family which knew the struggles of earning a livelihood the difficult way, started his career by selling newspapers and working as a railroad "call boy" and in other similar capacities while attending high school and college; and

WHEREAS, His rapid rise in public life from the time of his admission to the State Bar in San Francisco in 1914 to the present has been phenomenal and has resulted from his early training and the many qualities which it engendered, including that of self-reliance; and

WHEREAS, After serving the State of California in many responsible offices during his rising career, Earl Warren was elected Governor in the year 1942, and has held this exalted position ever since, and has assumed the responsibility of conducting the State Government of this great State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California extends its best wishes to His Excellency Earl Warren, Governor of the State of California, on the occasion of his sixty-second birthday, and extends the hope that he will enjoy many happy returns of the day; and be it further

Resolved, That a copy of this resolution be forwarded to Governor Earl Warren.

CHAPTER 71

Senate Concurrent Resolution No. 24—Relative to acquisition of Central Valley Project.

[Filed with Secretary of State, March 26, 1953.]

Acquisition of Central Valley Project

WHEREAS, The Central Valley Project was originally conceived as a state project, a part of the coordinated plan for the conservation, development and utilization of the water resources of the State with a view to the reasonable and beneficial use thereof in the interest of the public welfare; and

WHEREAS, The State of California made application to the Federal Government for a loan and grant of funds to be used in the construction and operation of the Central Valley Project, by and through the Water Project Authority of the State of California, the agency of this State created to construct and operate the Central Valley Project; and

WHEREAS, The United States, under various acts of Congress, has furnished funds for the construction of the Central Valley Project as a federal reclamation project to be constructed by the Bureau of Reclamation, with the reimbursable costs of the project to be repaid to the Federal Government under the reclamation laws; and

WHEREAS, The State Engineer and the Water Project Authority have made certain studies concerning the feasibility of the acquisition of the Central Valley Project for state ownership and for the repayment to the Federal Government of the properly reimbursable costs which have been expended by the Federal Government in connection with the construction of the project; and

WHEREAS, The studies heretofore made by the State Engineer and the Water Project Authority were based upon the assumption that all reimbursable costs would be paid in full by a single payment to the Federal Government, and did not include studies based upon the assumption that repayment of such costs might be made in installments over a period of years without interest in the manner contemplated by the federal reclamation laws; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature urges and requests the State Engineer and the Water Project Authority of the State of California, in connection with studies and reports of the acquisition of the Central Valley Project by the State of California, to include studies and reports as to the feasibility of acquiring the Central Valley Project and repaying reimbursable costs in accordance with the principles of repayment under the federal reclamation laws, in installments over a period of years, without interest, and without federal controls and restrictions as to use of water; that such studies and reports include the consideration of state and federal legislation necessary to permit such repayment to the Federal Gov-

ernment without interest over a period of years; that the studies and reports include consideration of the nature, organization, and powers and duties required for efficient operation of the project by the agency authorized to take over the project; and, that a preliminary report of the studies be made to the Legislature not later than June 1, 1953; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to each member of the Water Project Authority and the State Engineer.

CHAPTER 72

Assembly Joint Resolution No. 16—Relative to designating a strategic and critical materials stockpile in the City of Sacramento.

[Filed with Secretary of State, March 26, 1953.]

City of Sacramento Critical materials stockpile

WHEREAS, The State of California is becoming an increasingly more vital link in the chain of United States defense strategy; and

WHEREAS, In times of national emergency the defense industries and facilities of California are indispensable to the national welfare; and

WHEREAS, The Sacramento area is favorably situated away from the vulnerable coastal regions, is a hub of western motor and railroad transportation, is in close proximity to mining operations which produce chromite and other strategic and critical materials, and has existing available storage facilities; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature does hereby respectfully request the General Services Administration of the Federal Government to designate the City of Sacramento as the location for a stockpile of strategic and critical materials; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the General Services Administration of the Federal Government and to each Senator and Representative in Congress from California.

CHAPTER 73

Assembly Joint Resolution No. 21—Relative to extension of time for application for educational television channels.

[Filed with Secretary of State, March 26, 1953.]

Applications for educational television channels

WHEREAS, The Federal Communications Commission has allocated eight television channels in California for nonprofit educational purposes; and

WHEREAS, Application for such channels must be made by June 2, 1953; and

WHEREAS, The educators and citizens of California have indicated a keen and sincere interest in facilities for the use of television in the educative processes as manifested by the attendance at an advisory committee meeting at which more than 2,500 educators and community leaders from all parts of California attended; and

WHEREAS, Although some of the preliminary planning has been completed through the activities of such committees and conferences, more time is necessary to develop adequate plans for so important a project as educational television in order to utilize the potentialities thereof to the fullest extent possible; and

WHEREAS, The Legislature desires to fully investigate and study the problems involved in connection with the program which might be of great significance in the education of California's residents; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Federal Communications Commission to extend the time for making application for television channels for educational purposes beyond the present deadline of June 2, 1953; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the chairman and each member of the Federal Communications Commission.

CHAPTER 74

Assembly Joint Resolution No. 22—Relative to the location of the new Air Force Academy.

[Filed with Secretary of State, March 26, 1953]

Location of Air Force Academy

WHEREAS, The Department of the Air Force is now considering the location of the new Air Force academy, an establishment to be comparable in size, importance, and prestige to Annapolis and West Point, and Camp Beale is one of seven sites, and the only site in California, still under consideration for this purpose; and

WHEREAS, Camp Beale meets all the specifications outlined by the Department of the Air Force and is superbly suited for the intended purpose by virtue of its year-round good flying weather, its favorable topography, its nearness to military laboratories at the University of California and Stanford University, to the Nation's aircraft production center, and to the City of Sacramento, a sizable community, long noted for its hospitality to servicemen and experienced in providing for large numbers of them; and

WHEREAS, It would be a great honor to the entire State of California to have such an institution, and men of the caliber of those who will attend it. within its boundaries; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take such steps as are necessary to assure the selection of Camp Beale as the site for the new Air Force academy; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 75

Assembly Concurrent Resolution No. 37—Relative to the eightieth birthday of Col. Ed. Fletcher.

[Filed with Secretary of State, March 26, 1953.]

Ed. Fletcher Birthday

WHEREAS, This Legislature has been informed that Col. Ed. Fletcher recently celebrated the eightieth anniversary of his birth; and

WHEREAS, Ed. Fletcher for many years served with great distinction as a State Senator from the Fortieth Senatorial District; and

WHEREAS, He has long been recognized as the leading citizen of San Diego, his name and works being woven in and through the history of that community; and

WHEREAS, Over 50,000 acres of arid land in Southern California have been irrigated through water districts which were his dream and for which he has been a guiding spirit; and

WHEREAS, As a pioneer road builder he is responsible for the construction of hundreds of miles of roads, including the first highway between San Diego and the Imperial Valley; and

WHEREAS, San Diego is the beautiful, progressive, and prosperous city she is today because of his vision; and

WHEREAS, He is the founder of Solana Beach, Del Mar, Rancho Santa Fe, Grossmont, Mt. Helix, and Fletcher Hills; and

WHEREAS, As a member of the Legislature he was a recognized champion of the small home owner, the aged and the blind; and

WHEREAS, He has been singularly blessed with an extraordinary family consisting of his beloved wife, 10 happily married children, and innumerable grandchildren; and

WHEREAS, The story of kindly, genial Col. Ed. Fletcher is an inspiration to all of us, as are these recent words of his: "I

thank goodness I have lived to see the changes of 70-odd years—from the horse and buggy days to the wonderful age we are living in today. I am certain that the world is better today, human life has a greater value, and we are progressive in our civilization. Never lose faith in your Country and yourself, but carry on as your conscience dictates, keeping in mind your responsibility to your Country, your fellow man and yourself"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this Legislature congratulates Col. Ed. Fletcher on his eightieth birthday anniversary, and extends him its best wishes for many more years of health and happiness; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to Col. Ed. Fletcher.

CHAPTER 76

Assembly Concurrent Resolution No. 44—Relative to congratulating M. F. Small on his appointment as administrative assistant to Senator Thomas H. Kuchel.

[Filed with Secretary of State, March 26, 1953.]

M. F. Small

WHEREAS, His many friends in the Legislature have just learned that M. F. (affectionately known as "Pop") Small has been appointed as his administrative assistant by United States Senator Thomas H. Kuchel; and

WHEREAS, "Pop" Small has served as Departmental Secretary to Governor Warren, from 1945 to the present, and prior thereto edited the Feather River Bulletin from 1930 to 1944, in 1942 serving as President of the California Newspaper Publishers' Association, and in 1944 and 1945 as assistant bureau manager for the United Press, and during these many years has earned the deep friendship and affection of many Members of the Legislature for his ever-ready willingness to assist them in any way and for the helpful services he has rendered them; and

WHEREAS, We all unite in wishing "Pop" every success and happiness in his new undertaking; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature hereby congratulate M. F. Small upon his appointment and express the sincere belief that he will be of inestimable value to Senator Kuchel and the State of California in his new position; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to M. F. "Pop" Small.

CHAPTER 77

Assembly Concurrent Resolution No. 45—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, Members of the Board of Equalization, and the Members of the Senate and Assembly.

[Filed with Secretary of State, March 26, 1953.]

Leaves of absence State officers

Resolved by the Assembly of the State of California, the Senate thereof concurring, That leaves of absence from the State for a longer period than 60 days during their terms of office are hereby granted to His Excellency Earl Warren, Governor of the State of California; to the Honorable Goodwin J. Knight, Lieutenant Governor of the State of California; to Frank M. Jordan, Secretary of State; to Edmund G. Brown, Attorney General; to Robert C. Kirkwood, Controller; to Charles G. Johnson, Treasurer; to Roy E. Simpson, Superintendent of Public Instruction; to George R. Reilly, James H. Quinn, Paul R. Leake, and William G. Bonelli, Members of the Board of Equalization; and to the following Members of the Senate and the Assembly:

Same Members of Legislature

Senators F. Presley Abshire, Swift Berry, Arthur H. Breed, Jr., Charles Brown, Hugh M. Burns, Burt W. Busch, Paul L. Byrne, Randolph Collier, Nathan F. Coombs, James E. Cunningham, Earl D. Desmond, Nelson S. Dilworth, Hugh P. Donnelly, Jess R. Dorsey, A. A. Erhart, Luther E. Gibson, Donald L. Grunsky, George J. Hatfield, Verne W. Hoffman, Ben Hulse, Ed. C. Johnson, Harold T. Johnson, Fred H. Kraft, James J. McBride, John F. McCarthy, George Miller, Jr., Robert I. Montgomery, John A. Murdy, Jr., Gerald J. O'Gara, Harry L. Parkman, Harold J. Powers, Edwin J. Regan, Louis G. Sutton, Jack B. Tenney, John F. Thompson, Clarence C. Ward, A. W. Way, Fred Weybret, J. Howard Williams, and the Senator from the Twenty-sixth District, when seated; Assemblymen Bruce F. Allen, L. M. Backstrand, Julian Beck, Frank P. Belotti, William C. Berry, Willis W. Bradley, Bernard R. Brady, Ralph M. Brown, Edwin S. Bulen, Montivel A. Burke, Thomas W. Caldecott, J. Ward Casey, Charles Edward Chapel, George A. Clarke, Ralph R. Cloyed, John L. E. Collier, George D. Collins, Jr., Charles J. Conrad, John B. Cooke, Glenn E. Coolidge, Daniel J. Creedon, Pauline L. Davis, Randal F. Dickey, Clayton A. Dills, Richard J. Dolwig, Dorothy M. Donahoe, Donald D. Doyle, Thomas J. Doyle, Francis Dunn, Jr., Edward E. Elliott, Thomas M. Erwin, John W. Evans, Gordon A. Fleury, Ernest R. Geddes, Samuel R. Geddes, Gordon R. Hahn, William W. Hansen, Augustus F. Hawkins, Wallace D. Henderson, Stewart Hinckley, Don Hobbie, Jonathan J. Hollibaugh, H. W. Kelly, Vernon Kilpatrick, Herbert R. Klocksiem, Frank Lanterman, Harold K. Levering, L. H. Lincoln, Francis C. Lindsay, Glenard P. Lipscomb, Lloyd W. Lowrey, Frank Luckel, Charles W. Lyon,

LeRoy E. Lyon, Jr., Thomas A. Maloney, William F. Marsh, S. C. Masterson, Richard H. McCollister, John J. McFall, Patrick D. McGee, Lester A. McMillan, Charles W. Meyers, G. Delbert Morris, William A. Munnell, Kathryn T. Niehouse, Roy J. Nielsen, Roscoe L. Patterson, Carley V. Porter, William Byron Rumford, Stanford C. Shaw, Marvin Sherwin, James W. Silliman, H. Allen Smith, Earl W. Stanley, A. I. Stewart, Vincent Thomas, Stanley T. Tomlinson, Laughlin E. Waters, Caspar W. Weinberger, and the Assemblyman from the Twenty-eighth District, when seated.

CHAPTER 78

Assembly Concurrent Resolution No. 46—Approving a certain amendment to the charter of the City of Pasadena, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twelfth day of March, 1953.

[Filed with Secretary of State, March 27, 1953.]

City of Pasadena Charter amendment

WHEREAS, The City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and has been, ever since the year 1901, and now is, organized, existing and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of November, 1900, and approved by the Legislature of the State of California, on the twenty-ninth day of January, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by resolutions of said Legislature as set out in the certificate of the Chairman of the Board of Directors and City Clerk of said City of Pasadena, hereinafter set forth; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of one amendment to the charter of said City of Pasadena, as set out in the certificate of the Chairman of the Board of Directors and City Clerk of said City of Pasadena, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PASADENA OF ONE CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF PASADENA

Certificate

We, the undersigned, Alson E. Abernethy, Chairman of the Board of Directors of the City of Pasadena, State of California,

and Clara Belle MacLellan, City Clerk of said city, do hereby certify and declare as follows:

That the City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, now is and at all times herein mentioned was a city containing a population of more than 3,500 inhabitants, and now has a population of over 50,000 inhabitants, and ever since the year 1901 has been and now is organized, existing and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of November, 1900, and approved by the Legislature of the State of California on the 29th day of January, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by the Legislature.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Board of Directors of the City of Pasadena, being the legislative body thereof, on its own motion, by Ordinance No. 4290 adopted by said board on the 28th day of January, 1953, duly and regularly proposed that there be submitted to the qualified electors of the City of Pasadena one certain proposal for the amendment of the Charter of said city, to be voted upon by said qualified electors at a special election called and held for that purpose in said city on the 12th day of March, 1953. That said election was duly and regularly called, authorized and provided for by said Board of Directors by Ordinance No. 4291 adopted on the 28th day of January, 1953, which said ordinance called said special election, for the submission of said amendment, to be held in said city on the 12th day of March, 1953, and that by said ordinance the said special election was by said Board of Directors duly and regularly consolidated with the primary nominating election of the City of Pasadena to be held on said date. That said election was duly and regularly called and held on said 12th day of March, 1953, which day was not less than forty, and not more than sixty days after the completion of the publication and advertising of the proposed amendment aforesaid in the official newspaper.

That said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Pasadena, on the 30th day of January, 1953, in the Pasadena Star-News, a daily newspaper of general circulation, published in said City of Pasadena, and the official newspaper of said city, and in each edition thereof during the day of publication.

That copies of said proposed amendment were printed in convenient pamphlet form and in type of not less than ten point, and until the day fixed for the said election, and as required by Section 8 of Article XI of the Constitution and by the Charter

of the City of Pasadena, a notice was advertised and published in the Pasadena Star-News, the same being a newspaper of general circulation in said city, that copies thereof might be had upon application therefor at the office of the City Clerk of the City of Pasadena.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the day fixed for said election. That a copy thereof was mailed to each of the qualified electors of said city as required by law.

That in accordance with the provisions of Section 8 of Article XI of the Constitution and of the Charter of said City of Pasadena and said ordinances of the legislative body thereof, said special election was held in the said City of Pasadena on the 12th day of March, 1953, and that pursuant to the provisions of Section 8 of Article XI of the Constitution and of said Charter and said ordinances the said proposed Charter amendment was submitted to the qualified electors of said city for its ratification at said election, and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify said proposed amendment to the Charter of said city hereinafter set forth.

That, in accordance with the provisions of the Charter of the City of Pasadena and with the law in such cases made and provided, the Board of Directors of the City of Pasadena met on the 16th day of March, 1953, at the time fixed by the Charter and at its usual place of meeting, and did duly and regularly canvass the returns of said election, and on the 16th day of March, 1953, the said Board of Directors did duly find, determine and declare the result of said special election as determined from the canvass of the returns therefor aforesaid to be that a majority of the qualified electors of said city voting on the said proposed amendment had voted for and ratified said amendment.

That the said amendment to the Charter so ratified by the electors of the City of Pasadena is in words and figures as follows:

CHARTER AMENDMENT

Board of Education Election ballots

That the Charter of the City of Pasadena be amended by amending the second paragraph of Section 2 of Article 16 thereof to read as follows:

"In the preparation of ballots for the election of members of the Board of Education, there shall be printed, stamped or written the name of each candidate for such office who has officially announced himself thirty days prior to the date of the election by filing or having filed with the Secretary of the Board of Education a written statement signed by him that he is a candidate for the office of member of the Board of Education."

That we have compared the foregoing amendment with the original proposal proposed by said Ordinance No. 4290 to be

submitted to the electors of said city, and find that the foregoing is a full, true, correct and exact copy thereof.

That as to said amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the said City of Pasadena to be affixed hereto this 16th day of March, 1953.

ALSON E. ABERNETHY
(SEAL) Chairman of the Board of Directors of the City of Pasadena
CLARA BELLE MACLELLAN
City Clerk

I hereby certify that the foregoing document is a full, true and correct copy of document on file in the office of the City Clerk of the City of Pasadena, Calif.

CLARA B. MACLELLAN
City Clerk
By J. L. SCHOEPPE
Deputy

and

WHEREAS, Said proposed amendment to the charter of the City of Pasadena, ratified by the electors of said city, as aforesaid, has been, and is now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Pasadena, as proposed to, adopted and ratified by the qualified electors of said City of Pasadena, as hereinabove fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Pasadena.

CHAPTER 79

Assembly Concurrent Resolution No. 54—Relating to the death of Arthur W. Carlson.

[Filed with Secretary of State, April 1, 1953.]

Death of Arthur W Carlson

WHEREAS, Word of the passing of a former member, Mr. Arthur W. Carlson, after an illness of several weeks, has come to sadden this body; and

WHEREAS, Arthur W. Carlson ably served the people of the Sixteenth Assembly District of Oakland for three terms, retiring in 1944 to serve our Country as a Lieutenant Commander in the Coast Guard; and

WHEREAS, Eveleth, Minnesota, was the place of his birth in 1900, and California the place of his higher education, receiving a bachelor degree from the Berkeley Campus of the University of California in 1923 and an LL.B. from Boalt Hall three years later; and

WHEREAS, He conducted a successful law practice in the City of Oakland and entered into community life by membership in the Masons, Athenian-Nile Club, Athens Athletic Club, and the Claremont Country Club, and was an enthusiastic leader in the Republican Party as chairman of the state central committee in 1946; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members do hereby convey their condolences to the family of Arthur W. Carlson, and especially to his widow, Mrs. Charlotte Ham Carlson, and to his son, Richard; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to Mrs. Carlson; and be it further

Resolved, That when the Assembly adjourns this day, it do so out of respect to the memory of Arthur W. Carlson.

CHAPTER 80

Senate Joint Resolution No. 10—Relative to vesicular exanthema in swine and memorializing the Congress of the United States in relation thereto.

[Filed with Secretary of State, April 1, 1953]

Research on vesicular exanthema

WHEREAS, Since June, 1952, the serious virus disease of swine known as vesicular exanthema did spread to 32 states, demonstrating the highly contagious character of the malady; and

WHEREAS, It became necessary for the Secretary of Agriculture to declare that the existence of this disease created an emergency condition such as to warrant rapid and complete cooperation between the United States Bureau of Animal Industry and State Livestock Sanitary Officials in an effort to eradicate such disease by destruction of infected and exposed animals and indemnifying the owners thereof; and

WHEREAS, Veterinary scientists and virus disease authorities have stated that greatly extended research is vitally necessary in order to develop ways and means of suppressing or treating such infections without slaughter and indemnification; and

WHEREAS, The recommendations of the aforesaid veterinary medical authorities point to the effectiveness of prohibiting the

feeding of raw garbage, although better and more economical methods need to be devised; and

WHEREAS, The swine raising industry even now is faced with a critical shortage of hog cholera serum due to curtailment of serum production as a result of vesicular exanthema infection among swine herds of the Middle West; and

WHEREAS, Unless certain of these problems are solved vesicular exanthema will constitute a constant threat to the hog-raising industry of the Nation with serious attendant losses; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California calls to the attention of the Congress of the United States the seriousness of this virus disease of swine and does, therefore, recommend that provision be made for an intensification of research by the United States Bureau of Animal Industry, both through its own facilities and in cooperation with state animal disease research agencies, on methods directed toward solving the problems associated with the elimination or treatment of the vesicular exanthema disease of swine, and that adequate funds be provided the Bureau of Animal Industry for such purpose; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to each Senator and Representative from California in the Congress of the United States.

CHAPTER 81

Assembly Concurrent Resolution No. 50—Relative to commending Jerry Olrich, State Gardener.

[Filed with Secretary of State, April 2, 1953.]

Jerry Olrich

WHEREAS, Jerry Olrich entered state service in May of 1929 and rose to the position of State Gardener in June of 1943; and

WHEREAS, Mr. Olrich supervised the landscaping of the State Capitol Grounds in their present form and is constantly traveling throughout the State supervising the grounds of other state institutions; and

WHEREAS, Over the years, Mr. Olrich has gained recognition as an outstanding authority on camellias and other flowers and is called upon continually to judge flower shows throughout the State; and

WHEREAS, Mr. Olrich carries on a radio program concerning gardening problems and is in constant demand for talks on gardening before various civic groups; and

WHEREAS, Mr. Olrich always stands ready to answer gardening questions posed to him by the people of the State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legis-

lature take this opportunity to commend Jerry Olrich for his tireless efforts to beautify our state institutions and for the magnificent manner in which he has accomplished this task; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to Jerry Olrich.

CHAPTER 82

Assembly Concurrent Resolution No. 51—Relative to congratulating James Welsh on his appointment to the Industrial Accident Commission.

[Filed with Secretary of State, April 2, 1953.]

James Welsh

WHEREAS, The Members of the Legislature were pleased to learn of the appointment of James Welsh to the Industrial Accident Commission; and

WHEREAS, James Welsh graduated from the Stanford Law School in 1940 and has served as a member of the Governor's staff since 1943; and

WHEREAS, Mr. Welsh has given much valuable aid and assistance to the Members of this Legislature and has always been ready to lend a helping hand; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature take this opportunity to commend and thank James Welsh for his untiring efforts on their behalf and on behalf of the people of the State and to congratulate him on his appointment to the Industrial Accident Commission; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to send a suitably prepared copy of this resolution to James Welsh.

CHAPTER 83

Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 17 of Article I, relating to rights of aliens.

[Filed with Secretary of State, April 3, 1953.]

Constitution Amendment Sec 17 of Art. I, re rights of aliens

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1953 Regular Session commencing on the fifth day of January, 1953, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 17 of Article I to read as follows:

SEC. 17. Foreigners, eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the same rights in respect to the acquisition, possession, enjoyment, transmission, and inheritance of all property, other than real estate, as native born citizens; provided, that such aliens owning real estate at the time of the adoption of this amendment may remain such owners; and provided further, that the Legislature may, by statute, provide for the disposition of real estate which shall hereafter be acquired by such aliens by descent or devise.

CHAPTER 84

Assembly Concurrent Resolution No. 52—Approving a certain amendment to the charter of the City of Alameda, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the tenth day of March, 1953.

[Filed with Secretary of State, April 7, 1953.]

City of Alameda Charter amendment

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of a certain amendment, hereinafter set forth, to the charter of the City of Alameda, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION AND ADOPTION OF AMENDMENT TO THE CHARTER OF THE CITY OF ALAMEDA

State of California,
County of Alameda, } ss.
City of Alameda.

Certificate

We, the undersigned, Frank P. Osborn, Mayor of the City of Alameda, State of California, and Shirley H. Tennier, City Clerk of said City, do hereby certify and declare as follows:

That the City of Alameda, a municipal corporation in the County of Alameda, State of California, is now and at all times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants, and, as ascertained by the last preceding census taken under the authority of the Congress of the United States, now has a population of over 50,000 inhabitants, and ever since the 5th day of May, 1937, has been and is now organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of qualified electors of said City at an election duly held for that purpose

on the 29th day of April, 1937, and approved by the Legislature of the State of California by a concurrent resolution passed on the 5th day of May, 1937 (Statutes of 1937, page 2880).

That pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California the Council of the City of Alameda, being the legislative body thereof, on its own motion, by and in pursuance of Resolution No. 4723, adopted by said Council on the 27th day of January, 1953, duly and regularly proposed and submitted to the qualified electors of said City of Alameda a certain proposal for the amendment of the Charter of said City, to be voted on by said qualified electors at a general municipal election called and held in said City on the 10th day of March, 1953. That said election was duly and regularly called, authorized and provided for pursuant to the Charter of said City of Alameda.

That by order of the City Council of said City, said proposed charter amendment was published and advertised in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, on the 28th day of January, 1953, in the Alameda Times-Star, a daily newspaper of general circulation, printed and published in said City and the Official Newspaper of said City, and in each edition thereof during the day of said publication.

That copies of said proposed charter amendment were printed in convenient pamphlet form and in type of not less than ten-point, and a notice that copies thereof could be had on application therefor at the office of the City Clerk of the City of Alameda was advertised and published in said Alameda Times-Star, a daily newspaper of general circulation, printed and published in said City, on the 2nd day of February, 1953, and thereafter in each and every issue of said newspaper until and including the day fixed for said general municipal election, all as required by Section 8, Article XI of the Constitution of the State of California.

That printed copies of said proposed charter amendment were on hand and could be had upon application therefor, at the office of the City Clerk of said City of Alameda, from the 2nd day of February, 1953, until and including the day fixed for said general municipal election.

That copies of said proposed charter amendment, in convenient pamphlet form, and in type of not less than ten-point, were mailed to each qualified elector of said City of Alameda with the sample ballot of said election, more than ten whole days preceding the date of such election.

That pursuant to the provisions of the Charter of said City of Alameda there was held in said City of Alameda, on the 10th day of March, 1953, a general municipal election, said day being at least forty (40) days after the completion of the advertising of said proposed charter amendment in said Official Newspaper of said City, and not more than sixty (60) days after the completion of such advertising, and that pursuant to

the provisions of Section 8 of Article XI of the Constitution of the State of California and of said Charter and of said resolution of said Council, the said proposed charter amendment was submitted to the qualified electors of said City for their ratification at said election, and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification and adoption of, and did ratify and adopt the proposed amendment to the Charter of said City hereinafter set forth.

That the returns of said general municipal election were, in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to by the Council of said City of Alameda at its regular meeting held on March 17, 1953, and the said City Council duly found, determined and declared that a majority of the qualified electors of said City voting on said proposed amendment had voted for the ratification and adoption thereof, and that said proposed amendment was ratified and adopted by a majority of the qualified electors of said City voting thereon at said election.

That the said amendment to the Charter so ratified by the qualified electors of the City of Alameda at said general municipal election is in words and figures as follows, to-wit:

That subsection (a) of Section 12-2 of Article XII of the Charter of the City of Alameda be amended to read as follows:

Public Utilities Board Power to contract

"Sec. 12-2. The Public Utilities Board shall also have the power, without reference to advertising or competitive bidding:

(a) To contract for the purchase, for not to exceed ten years, of gas, electrical energy or such other public utility service or commodity necessary for the operation of a public utility under the control and management of the Board."

And we further certify that we have compared the foregoing amendment with the original proposal submitting the same to the qualified electors of said City and find that the foregoing is a full, true and exact copy thereof.

That as to said amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the said City of Alameda to be affixed hereto this 24th day of March, 1953.

FRANK P. OSBORN
(SEAL) Mayor of the City of Alameda
SHIRLEY H. TENNIER
City Clerk of the City of Alameda

WHEREAS, Said proposed charter amendment so ratified as hereinabove set forth has been, and is now, duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor, and concurring therein, that said amendment to said charter of the City of Alameda herein set forth, as submitted and proposed to and adopted and ratified by the qualified electors of said city, be, and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the charter of said City of Alameda. Approved

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CHAPTER 85

Senate Joint Resolution No. 5—Relative to the proposal of the Federal Communications Commission to withdraw radio-telegraph frequencies used by the California State Department of Agriculture in its Federal-State Market News Service.

[Filed with Secretary of State, April 8, 1953]

WHEREAS, Further notice of a proposed rule-making by the Federal Communications Commission, dated September 17, 1952, has been received following the adoption by this Legislature of Senate Joint Resolution No. 1 (Res. Chap. 15) at the 1952 Second Extraordinary Session and in said further notice the commission continues to propose that by amendment to its rules certain uses by the domestic fixed service of frequencies below 25 megacycles are to be deleted, thereby discontinuing such uses by the California Department of Agriculture in cooperation with the United States Department of Agriculture; and Discontinuance of Federal-State Market News Service radio-telegraph frequencies

WHEREAS, Such discontinuance would cause undue hardship in the disruption of the efficient radio-telegraph communications system used within this State for its Federal-State Market News Service for the past 25 years; and

WHEREAS, The extension of the use of this type of radio-telegraph reception and transmission would preclude the necessity of making the operations of the federal-state market news communications system more costly; and

WHEREAS, Any immediate conversion to other methods of collecting and disseminating market news information, in addition to causing undue hardship and expense, would necessitate further study of ways and means of making an ultimate conversion which may serve comparably to afford complete, speedy, and economical service; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Federal Communications Commission is earnestly requested to delay final action on the aforementioned proposed discontinuance of the use of the radio-telegraph frequencies under consideration pending the development of adequate and efficient substitute methods; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit 15 copies of this resolution to the Secretary of the Federal Communications Commission and a copy to each Senator and Representative from California in the Congress of the United States.

CHAPTER 86

Senate Joint Resolution No. 22—Relative to flood control works on Butte and Little Chico Creeks.

[Filed with Secretary of State, April 8, 1953]

Butte and Little Chico Creeks flood control

WHEREAS, The lives and property of the residents of the City of Chico, the town of Durham, and the Durham Land Colony, as well as extensive lands bordering on the Upper Butte and Little Chico Creeks in Butte County, are threatened by the ravages of floods; and

WHEREAS, Congress, by the Flood Control Act of December 22, 1944, as amended by the Flood Control Act of May 17, 1950, has authorized remedial flood control works as a part of a project referred to as "Sacramento River, Major and Minor Tributaries" for construction in cooperation with the State of California, which would afford protection to the people in this area; and

WHEREAS, The California Legislature has, by the State Water Resources Act of 1945, authorized the works contemplated by Congress; and

WHEREAS, Congress has made nine hundred forty-six thousand dollars ($946,000) available to accomplish authorized work on the lower reaches of Butte Creek, which work has been completed; and

WHEREAS, It is estimated that seven hundred thousand dollars ($700,000) of additional federal funds will be required to complete the authorized works on the upper reaches of Butte Creek and the diversion structure on Little Chico Creek; and

WHEREAS, The Legislature of California has made available all funds necessary to carry out the State's participation in the construction of the works; and

WHEREAS, The additional work contemplated by the congressionally authorized project is necessary if more than minimum protection is to be afforded to the residents in the area concerned; and

WHEREAS, The State Water Resources Board has included in its recommendation to Congress for federal flood control funds for the 1954 Fiscal Year, sufficient funds to complete the flood control works on the Butte and Little Chico Creeks, thus recognizing its importance to the welfare and safety of the people of this State; now, therefore, be it

Resolved, by the Senate and Assembly of the State of California, jointly, That Congress is urged to make available the necessary funds to complete the construction of the vitally needed

flood control works on the Butte and Little Chico Creeks; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, to each Senator and Representative from the State of California in the Congress of the United States, and to the Chief Engineer of the United States Army.

CHAPTER 87

Senate Concurrent Resolution No. 15—Relative to amending the Joint Rules of the Senate and Assembly for the 1953 Regular Session of the California Legislature, by adding Rule 41 thereto, relating to industrial injury reports.

[Filed with Secretary of State, April 10, 1953]

Workmen's compensation reports for legislative members and employees

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Rule 41 be added to the Joint Rules of the Senate and Assembly for the 1953 Regular Session of the California Legislature, to read:

Industrial Injury Reports

41. The chairman of the Rules Committee of each house of the Legislature shall sign any required workmen's compensation report regarding injuries or death arising out of and within the course of employment suffered by any member, officer or employee of the house, or any employee of a standing or interim committee thereof. In the case of a joint committee, the chairman of the Rules Committee of either house may sign any such report in respect to a member or employee of such joint committee.

CHAPTER 88

Senate Concurrent Resolution No. 48—Relative to administration of the Unemployment Insurance Act.

[Filed with Secretary of State, April 10, 1953]

Hay baling as agricultural labor

WHEREAS, The baling of hay by a farmer or his employees, whether on his own land or on the farm of his neighbor, has traditionally been regarded as agricultural labor in this State; and

WHEREAS, Services performed in connection with such hay baling were intended to be exempt from the Unemployment Insurance Act as agricultural labor; and

WHEREAS, Because of the Department of Employment's numerous changes of position on what constitutes "agricultural

labor" and the consistent inconsistency of the department's interpretation of the "agricultural labor" exemption, the Legislature in 1949 enacted 7.3 of the Unemployment Insurance Act to ensure that hay baling by a farmer or his employees would continue to be regarded as "agricultural labor," while leaving for judicial determination the question of whether hay baling performed by persons other than a farmer or his employees constituted agricultural labor; and

WHEREAS, Such action by the Legislature was intended to state the existing law in terms so plain the department could not deviate therefrom, rather than to change the law; and

WHEREAS, It now appears that the department has seized upon this 1949 statute as an indication that hay baling by a farmer or his employees was not agricultural labor prior to 1949, and has within the past year levied assessments based on such hay baling services performed prior to 1949 and in some cases extending as far back as 1943; and

WHEREAS, In enacting Section 45.1 of the Unemployment Insurance Act, providing in part that actions filed by the department to collect contributions must be commenced "within three years after any amount shown to be due in _____ any assessment made by the commission becomes delinquent," the Legislature intended to impose a three-year statute of limitation commencing with the date the contributions would have become delinquent if reported or assessed at the time the contributions were due, and the department is wilfully failing to give effect to said legislative intent; and

WHEREAS, Not only is the department's ruling that such services were not "agricultural labor" prior to 1949 a direct and flagrant violation of the legislative intent mentioned above, but the attempt now to assess and collect taxes based on wages paid 10 years ago is a bureaucratic act contrary to every principle of equity, good conscience and common decency; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Employment be requested to recognize the fact that hay baling by a farmer or his employees is, and always has been, both traditionally and within the intent of the Legislature, agricultural labor; and be it further

Resolved, That the department be requested to give effect to such tradition and intent by reversing its erroneous interpretation of the agricultural labor exemption and canceling the erroneous, unjust and unconscionable assessments mentioned above; and be it further

Resolved, That irrespective of any other action the department is requested to adopt a policy denying retroactive effect to any rule, regulation or interpretation issued by it which would change the scope of the "agricultural labor" exemption and result in contributions or increased contributions becoming due under the act; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Director of Employment, to each member of the Unemployment Insurance Appeals Board, and to the Governor.

CHAPTER 89

Senate Joint Resolution No. 17—Relative to motor vehicle fuel taxes collected by the Federal Government.

[Filed with Secretary of State, April 10, 1953.]

Use of federal motor vehicle fuel tax revenues

WHEREAS, A critical need exists for immediate modernization of the highways of the Nation for the security and economic welfare of the people; and

WHEREAS, Additional funds are sorely needed to accomplish this vital improvement of our highways; and

WHEREAS, The Federal Government is imposing taxes on motor vehicle fuels for general purposes, constituting an invasion of a tax resource that might better be reserved to the states which have demonstrated their ability to collect motor vehicle fuels taxes effectively and economically; and

WHEREAS, The general principle that revenues collected from highway users as such should be expended for their benefit on the highways, roads and streets is recognized by the Federal Government in its dealings with the states but is violated by the Federal Government in its own fiscal policy; and

WHEREAS, In the interests of the national economy and defense it is desirable that federal aid for highways should, at the very least, equal the amount of motor vehicle fuels taxes collected by the Federal Government; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of California urgently requests the Federal Government to abandon the field of excise taxes on motor fuels or, in the alternative, to provide that the amount of federal aid for highways be increased at least to the amount of motor vehicle fuels taxes collected by the Federal Government, and that such increase in federal aid be distributed among the individual states in proportion to the amount of motor vehicle fuels taxes collected in such states; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the Senate, the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 90

Senate Joint Resolution No. 26—Relative to submerged lands.

[Filed with Secretary of State, April 10, 1953.]

Ownership of submerged land

WHEREAS, The several states have from their inception claimed and exercised full ownership and control of the lands and resources beneath both inland and offshore waters within their historic boundaries; and

WHEREAS, The several states, including many municipalities, public port authorities and private individuals acting under authority granted by the states, have spent enormous sums of money reclaiming and improving these lands and natural resources relying on the validity of their titles; and

WHEREAS, Under this state and local control the constitutional powers delegated by the states to the Federal Government respecting national defense, navigation, commerce and international relations have in no way been impaired; and

WHEREAS, In three separate lawsuits brought by the United States against California, Texas and Louisiana, the U. S. Supreme Court held that these states had no rights of ownership in the so-called marginal sea belt or the lands and resources beneath it; and

WHEREAS, The Supreme Court also held that the Federal Government has paramount rights in and full dominion and power over the submerged lands and resources beneath this marginal sea belt by which it can take, without compensating the owners, any resources of value that might be discovered; and

WHEREAS, These decisions overrule earlier decisions and are contrary to the spirit of the Fifth Amendment to the Constitution which prohibits taking private property for public use without just compensation and the Tenth Amendment which protects the sovereignty and rights of the several states; and

WHEREAS, This "paramount rights" doctrine threatens the nationalization of all natural resources and lands, including forests, minerals, and fisheries, whether state or privately owned; and

WHEREAS, The jurisdiction of several California state agencies, including the Fish and Game Commission, Public Utilities Commission and Lands Commission has already been encroached upon by the Federal Government under this "paramount rights" doctrine; and

WHEREAS, Congress has the constitutional right and power to enact legislation fully restoring the rights of the states; now, therefore, be it

Resolved by the Senate and Assembly of the State of California jointly, That the Congress of the United States is respectfully memorialized to enact such legislation as will be necessary to restore the ownership of the states to all lands and resources beneath navigable waters, both inland and offshore, within their historic boundaries; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each member of the United States Congress.

CHAPTER 91

Assembly Concurrent Resolution No. 53—Relative to the appointment of William B. Rumford as a member of a team invited to visit certain German cities.

[Filed with Secretary of State, April 13, 1953.]

WHEREAS, Assemblyman William B. Rumford has been singularly honored by an appointment to membership on one of two teams of six representative Americans invited to visit Germany; and William B Rumford

WHEREAS, The invitation is an outgrowth of the memorable visit of German citizens from the Cities of Krefeld, Giessen, Pforzheim, Lübeck, Karlsruhe and Straubing to this Country; and

WHEREAS, Our German visitors in cooperation with their own city governments have arranged for this reciprocal visit as a community project through the United States Department of State and the Governmental Affairs Institute of Washington; and

WHEREAS, The American visitors will have the privilege and pleasure of staying in the homes of their German hosts during the 60-day sojourn and will be received into the community life of the cities they visit; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature wish to use this formal means of heartily congratulating Mr. Rumford on his selection as representative of a cross section of American citizenship and community activity, and to express their pride in having one of their number and Mr. Rumford in particular chosen to participate in this valuable endeavor; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Mr. Rumford.

CHAPTER 92

Senate Concurrent Resolution No. 40—Relative to the changing of the name of the Russian Gulch State Park to Andrew E. Johnston State Park.

[Filed with Secretary of State, April 14, 1953.]

WHEREAS, There are two Russian Gulches situated in this State bearing the name of "Russian Gulch," one being a state State park Change of name

park located in Mendocino County and the other being located in Sonoma County; and

WHEREAS, As these two Russian Gulches, bearing similar names and being located in adjacent counties, are a constant source of confusion to the residents of this State and visitors from neighboring states; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Park Commission be requested to change the name of the Russian Gulch State Park, located in Mendocino County, to the Andrew E. Johnston State Park; and be it further

Resolved, That the Secretary of the Senate is directed to send a copy of this resolution to the State Park Commission.

CHAPTER 93

Senate Concurrent Resolution No. 43—Relative to reports of the department encampments or conventions of the United Spanish-American War Veterans.

[Filed with Secretary of State, April 14, 1953.]

Publication of reports of United Spanish-American War Veterans

Resolved by the Senate of the State of California, the Assembly thereof concurring, That there shall be printed as public documents 500 copies of the sessions of the department conventions or encampments of California of the United Spanish-American War Veterans for the years 1953 and 1954, respectively, together with illustrations, copies of general orders of the department and of the official roll, 150 copies for the use of the Senate and 350 copies for the use of the Assembly, the cost of the same to be payable from the legislative printing appropriation.

CHAPTER 94

Senate Concurrent Resolution No. 44—Relative to the report of the annual convention of the Disabled American Veterans of the Department of California.

[Filed with Secretary of State, April 14, 1953.]

Publication of reports of Disabled American Veterans

Resolved by the Senate of the State of California, the Assembly thereof concurring, That there shall be printed as a public document 500 copies of the report of the annual convention of the Disabled American Veterans of the Department of California during the years 1953 and 1954, together with illustrations, copies of the general orders enacted at such convention and the official roll, 150 copies for the use of the Senate and 350 copies for the use of the Assembly, the cost of same to be payable from the legislative printing appropriation.

CHAPTER 95

Senate Concurrent Resolution No. 45—Relative to reports of the annual conventions of the American Legion.

[Filed with Secretary of State, April 14, 1953.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That there shall be printed as public documents 500 copies of the sessions of the annual conventions of the American Legion for the years 1953 and 1954, respectively, together with illustrations, copies of general orders and of the official roll, 150 copies for the use of the Senate and 350 copies for the use of the Assembly, the cost of the same to be payable from the legislative printing appropriation.

Publication of reports of American Legion

CHAPTER 96

Senate Concurrent Resolution No. 46—Relative to reports of the annual conventions or encampments of the Veterans of Foreign Wars of the Department of California.

[Filed with Secretary of State, April 14, 1953.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That there shall be printed as public documents 500 copies of the report of the annual conventions or encampments of the Veterans of Foreign Wars of the Department of California during the years 1953 and 1954, together with any illustrations, copies of the general orders enacted at such conventions, and of the official roll call, 150 copies for the use of the Senate, and 350 copies for the use of the Assembly, the cost of the same to be payable from the legislative printing appropriation.

Publication of reports of Veterans of Foreign Wars

CHAPTER 97

Senate Concurrent Resolution No. 47—Relative to reports of the annual conventions of the American Veterans of World War II (AMVETS).

[Filed with Secretary of State, April 14, 1953.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That there shall be printed as public documents 500 copies of the sessions of the annual conventions of the American Veterans of World War II (AMVETS) for the years 1953 and 1954, respectively, together with illustrations, copies of general orders and of the official roll, 150 copies for the use of the Senate and 350 copies for the use of the Assembly, the cost of the same to be payable from the legislative printing appropriation.

Publication of reports of American Veterans of World War II

CHAPTER 98

Assembly Joint Resolution No. 24—Relative to the compensation of postal employees.

[Filed with Secretary of State, April 15, 1953.]

Postal employees. Wage increase

WHEREAS, Postal employees have received only one wage increase since 1949, and that increase was not equal to the increase in the cost of living that has occurred since 1949; and

WHEREAS, Most employees in both public service and private industry have received wage increases enabling them more nearly to catch up with the increased cost of living; and

WHEREAS, The wages of postal employees are so low that any increase in the cost of living hits them with particularly great force; and

WHEREAS, Aside from the obvious inequality of treatment there is a serious possibility that postal employees will not long be able to resist the lure of greater reward for employment in defense and other industries; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Congress of the United States is respectfully memorialized to enact legislation for an increase in the compensation of postal employees commensurate with the existing cost of living level; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the President and Vice President of the United States, to the Postmaster General, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 99

Assembly Constitutional Amendment No. 20—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding Section 8.1 to Article XI of said Constitution, relating to the framing of the charter by the City of Vernon, in the County of Los Angeles.

[Filed with Secretary of State, April 16, 1953.]

Addition of Sec. 8.1 to Art. XI, re framing of charter by City of Vernon

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its 1953 Regular Session, commencing on the fifth day of January, 1953, two-thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 8.1 to Article XI thereof, to read:

SEC. 8.1. (a) The City of Vernon, in the County of Los Angeles, may frame a charter for its own government. Any such charter shall be framed, or caused to be framed, by the legisla-

tive body of said city and the proposed charter shall be advertised and submitted for its adoption to the electors of said city in the manner provided in subsection (f) of Section 8 of this article, and if a majority of the qualified voters voting thereon shall vote in favor of such proposed charter, it shall be deemed to be ratified and shall be submitted to the Legislature for its rejection or approval, and if approved, thereafter filed, all in accordance with the applicable provisions of Section 8 of this article.

Any such charter once adopted may be amended only in the manner provided in this section. Such amendment shall be framed, or caused to be framed, by the legislative body and thereafter the proposed amendment shall be advertised and submitted for its adoption, in the manner provided in subsection (f) of Section 8 of this article, to a vote of those persons eligible under the charter to vote for members of the legislative body of said city, and if a majority of those entitled to vote thereon shall vote in favor of such proposed amendment, it shall be deemed to be ratified and shall be submitted to the Legislature for its rejection or approval, and if approved, thereafter filed, all in accordance with the applicable provisions of Section 8 of this article.

(b) The charter may provide the manner in which, the method by which, the times at which, and the terms for which the members of the legislative body of the City of Vernon shall be elected, who may be eligible for election to the legislative body, and shall define the electors of the city for the purpose of voting for members of the legislative body, for other elective officers, on incurring an indebtedness or liability exceeding in any year the income and revenue provided for such year, and for the purpose of exercising the powers of initiative and referendum; in the event there are less than 135 registered voters residing in said city on the day of the election on the charter by the electors of said city, such provisions may be made without regard to, or without being subject to, the provisions of Section 24 of Article I and Section 1 of Article II of this Constitution.

(c) Subject only to the restrictions and limitations provided in any such charter and in this Section 8.1, it shall be competent in any such charter framed under the authority of this section to provide that the City of Vernon may make and enforce all laws and regulations in respect to municipal affairs, and in respect to other matters it shall be subject to general laws.

(d) Only uninhabited territory, as defined by the general laws of the State, may be annexed to said city.

(e) The adoption of such charter shall not cause any change in any existing school district.

(f) Except as hereinabove provided any such charter for said city shall be consistent with and subject to other provisions of this Constitution.

CHAPTER 100

Assembly Concurrent Resolution No. 18—Relative to requesting the Department of Public Works to obtain permission from appropriate military authorities for the traversing of certain military establishments with respect to the relocation of State Highway Route 56 and to investigate means of joint financing of such relocation.

[Filed with Secretary of State, April 16, 1953.]

Relocation of State Highway Route 56

WHEREAS, An access road is needed to serve coast defense areas on the coast line of Marin County; and

WHEREAS, The relocation of State Highway Route 56, the "Shoreline Highway," also known as State Sign Route 1, from the vicinity of the northern approach to the Golden Gate Bridge to the vicinity of Muir Beach in a relatively straight line would enable said highway to serve such coast defense areas and would be in the best interest of national defense; and

WHEREAS, For this reason it is felt by the Legislature of the State of California that such relocation of said portion of State Highway Route 56 should be undertaken and accomplished by the State on a cooperative basis with the Federal Government; and

WHEREAS, In order to effect such relocation so as to accomplish the most good for all concerned, it will be necessary to traverse the military reservations of Fort Baker, Fort Barry, and Fort Kronkite; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Works, Division of Highways, is requested to contact the appropriate military authorities to obtain permission to traverse the military reservations of Fort Baker, Fort Barry, and Fort Kronkite in order to lay out and construct the relocation of State Highway Route 56 referred to in this resolution, and is further requested to investigate possible means of joint financing of such relocation, either by use of federal military or defense funds or by use of any other federal funds which might be available for such purpose; and be it further

Resolved, That the Department of Public Works, Division of Highways, is directed to report, by not later than May 1, 1953, the results of its activities under this resolution to the Legislature and to the Board of Supervisors of the County of Marin; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to Mr. Frank B. Durkee, Director of Public Works, to Mr. G. T. McCoy, State Highway Engineer, and to the Chairman of the Board of Supervisors of the County of Marin.

CHAPTER 101

Senate Joint Resolution No. 25—Relative to repair of Morro Bay Breakwater.

[Filed with Secretary of State, April 16, 1953.]

Repair of Morro Bay Breakwater

WHEREAS, The Morro Bay Breakwater which forms the harbor at Morro Bay, County of San Luis Obispo, has been in serious need of repairs for a period of two years; and

WHEREAS, Unless the breakwater is maintained in a proper condition, the harbor will soon become inadequate as a haven for widespread commercial fishing activities, various types of ships and small craft, and United States Coast Guard stations; and

WHEREAS, Extensive and serious property damage has occurred because of the inability of the breakwater in its present condition to protect the harbor of Morro Bay, and recent storms have considerably weakened the breakwater itself so that property damage is mounting in severity each day; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California earnestly requests the United States Army Corps of Engineers to take immediate steps to make such repairs to the breakwater at Morro Bay as may be necessary to adequately protect the harbor of Morro Bay and to protect federal, county, and private property at Morro Bay; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to each Senator and Representative from California in the Congress of the United States, and to the Chief Engineer of the United States Army.

CHAPTER 102

Senate Concurrent Resolution No. 31—Relating to fire protection districts.

[Filed with Secretary of State, April 16, 1953.]

Study of fire protection district laws

WHEREAS, The California Health and Safety Code provides a number of different ways by which fire protection districts may be formed and maintained; and

WHEREAS, These laws have been of great benefit to the State in that through them efficient and economical fire protection has been provided to urban and rural portions of the State not covered by municipal fire protection; and

WHEREAS, Amendments have been enacted from time to time since 1881, to the extent that confusion exists as to specific application and interpretation of existing statutes; and

WHEREAS, Authorities and controlling bodies in the fire service are frequently at a loss as to how to proceed in a legal manner in carrying out the provisions of the statutes; and

WHEREAS, The problem has become so acute that the California State Firemen's Association and the California Rural Fire Association have sought to evolve a solution thereto; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislative Counsel is authorized and directed to ascertain, study and analyze the laws relating to the formation and maintenance of fire protection districts, and to prepare a report outlining the changes deemed necessary through consolidation or amendment of existing laws to make them more workable and shall submit a report of his findings with recommendations to the Legislature not later than the tenth day of the 1954 Regular Session of the Legislature; and be it

Resolved, further, That all departments of the State shall give the Legislative Counsel full information and reasonable assistance in any matter of research requiring recourse to them or to data within their knowledge or control in connection with such study.

CHAPTER 103

Assembly Concurrent Resolution No. 61—Approving six certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the seventh day of April, 1953.

[Filed with Secretary of State, April 20, 1953.]

City of Los Angeles charter amendments

WHEREAS, Proceedings have been taken and had for the adoption and ratification of six amendments, hereinafter set forth, to the charter of the City of Los Angeles, a municipal corporation in the County of Los Angeles, State of California, as set out in the certificate of the president of the city council and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
City of Los Angeles

Certificate

We, Harold A. Henry, President of the Council of The City of Los Angeles, and Walter C. Peterson, City Clerk of The City of Los Angeles, do hereby certify and declare as follows:

That said, The City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times

herein mentioned: (a) a city containing a population of more than one million seven hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

That in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, the Council of The City of Los Angeles, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of The City of Los Angeles certain proposals for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain general municipal election held on the 7th day of April, 1953, which said proposals were designated as proposed charter amendments 1, 2, 3, 4, 5, 6, 7, 8, and 9, respectively.

That on the 25th day of February, 1953, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of February 25, 1953, in "The Los Angeles Daily Journal and The Los Angeles News," a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from February 25, 1953, to and including April 7, 1953; and a notice was advertised and published on and from February 25, 1953, to and including April 7, 1953, in "The Los Angeles Daily Journal and The Los Angeles News," a newspaper of general circulation in said City, that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a general municipal election held on April 7, 1953, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon each of the proposed charter amendments numbers 2, 3, 4, 5, 6, and 8, voted in favor thereof and adopted and ratified the

same, and proposed charter amendments numbers 1, 7 and 9 received less than a majority of the votes of the qualified electors voting thereon and were not adopted nor ratified; as appears by the official canvass of the returns thereof by the City Clerk of The City of Los Angeles, heretofore certified by him to the Council of said City, and the declaration of the Council of the said The City of Los Angeles, which pursuant to law met on April 15, 1953, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said City Clerk.

That the said amendments to the Charter of The City of Los Angeles, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

Proposed Charter Amendment No. 2

Section 7 of the Charter of The City of Los Angeles is amended to read:

Terms of office

Sec. 7. The Mayor, City Attorney, Controller, and members of the Board of Education shall hold their offices for a term of four years.

The council districts formed pursuant to Section 6 of this charter shall be designated in the ordinance districting the city by number from 1 to 15, inclusive. The terms of office of those members of the Council elected in 1953 from even-numbered districts shall expire two years from the commencement of their terms; the terms of office of those members of the Council elected in 1953 from odd-numbered districts shall expire four years from the commencement of their terms; in 1955 the terms of those members of the Council elected from the even-numbered districts shall be four years; and in 1957 the terms of those members of the Council elected from the odd-numbered districts shall be four years. Thereafter members of the Council shall be elected for four-year terms at the primary nominating election or general municipal election next prior to the expiration of the terms of the incumbents. Ordinance No. 100,633, entitled, "An Ordinance redistricting and dividing the City of Los Angeles into fifteen (15) districts for the election of the council of said city, and fixing the boundaries thereof," heretofore approved November 3, 1952, shall be deemed effective for the purpose of compliance with the provisions of this section.

The terms of all such officials shall commence on the first day of July next succeeding their election.

Proposed Charter Amendment No. 3

Section 108 of the Charter of the City of Los Angeles is amended to read:

Employees' change of class

Sec. 108. The Board of Civil Service Commissioners may by its rules provide for status and seniority for civil service em-

ployees in classes other than those for which they were examined, where (a) an employee is incapable of performing satisfactorily the duties of his position because of injury or sickness resulting from the discharge of the duties of such position or from the discharge of his duties as a member of the armed forces of the United States in time of war, or (b) an employee has served not less than an aggregate of three years in the city service, and for any reason other than those specified above has become incapable of performing satisfactorily the duties of his position. Any rules adopted by the board pursuant to this section shall provide: (1) no employee may be placed in a different class unless he shall first have filed his written consent thereto; (2) no change of class status may be allowed where the same would result in a promotion; (3) no employee may be placed in a different class unless the board finds that he possesses the minimum qualifications required for such class and that he is capable of performing the duties prescribed therefor. No employee who is placed in a different class pursuant to the provisions of this section may at the time he is placed in such class be credited with more seniority therein than he had accumulated in his former class.

Proposed Charter Amendment No. 4

Section 106 of the Charter of the City of Los Angeles is amended to read:

Sec. 106. From the examinations made by the board it shall prepare a register in each class of position, in the classified civil service, other than that of unskilled laborers employed by the day, of the persons whose general average standing upon examination for such class is not less than the minimum fixed by the rules of said board, and who are otherwise eligible, and such persons shall take rank upon the register as candidates in the order of their relative excellence, as determined by their examination without reference to priority of the date of examination; provided, however, that the board may prescribe a minimum score in the written portion of any examination of not to exceed sixty-five per cent (65%), including credit for past service in examinations for promotion, and may exclude from subsequent portions of the examination any candidate who fails to attain such minimum score. Register of job candidates

The board shall also keep a register, upon which shall be entered, in the order of their application, the names of all who apply for employment in the class of unskilled laborers, and who, after such medical or physical examination as the board may prescribe, are found to be capable of performing in a satisfactory manner the duties of the occupation sought. In case any registered applicant in said class of unskilled laborers shall be employed, and subsequently laid off or dismissed through lack of work, or through no fault of his own, that fact shall be forthwith certified to the Board of Civil Service Commissioners by the head of the department in which such laborer was em-

ployed, and he shall be restored to his original place upon the register.

PROPOSED CHARTER AMENDMENT NO. 5

Section 125 of the Charter of the City of Los Angeles is amended to read:

Suspension and restoration of employees

Sec. 125. In addition to all other matters, the board shall by its rules provide for:

(a) The manner and order, not inconsistent with the provisions hereof, in which persons shall be suspended and restored where such suspension results from lack of work, lack of funds or abolishment of position or otherwise, excepting suspension for personal delinquency, and in all such cases such suspension and restoration shall be based upon seniority as hereinafter provided, or where not so provided, as provided by the rules of the board.

No assignment of employees to positions within a class, except as hereinafter in this section provided, for which no different examination requirements have been established by the board shall affect the requirements of this section governing suspension and restoration for lack of work, lack of funds or abolishment of position or otherwise, but, in all such cases, all employees within the same class-group, as hereinafter defined, and for which similar examinations are required by the board shall be considered as one class-group for such purposes.

Whenever suspension other than for personal delinquency is to be made in any class in an office, department or bureau of the city, or major division established in and by a department having control of definite revenues and funds (and hereinafter referred to as a class-group), the person to be suspended shall be selected in the order determined by his length of service in such class and in classes of higher rank since original regular appointment to such class in the classified civil service, after deducting periods of absence from such service as provided by the rules of the board. The person having the shortest length of service in such class and in classes of higher rank shall be suspended first; and any person so suspended shall be entitled to displace the person holding a position in a class-group in which a regular position was formerly held by the person so suspended, who has a shorter length of service in such class-group and in classes of higher rank since original regular appointment to such class in the classified civil service, after deducting periods of absence from the city service as provided by the rules of the board.

The class-group in which suspension is to be made or the class-group in which restoration is to be made, shall include all positions created from such class-group subsequent to the original regular appointment therein of the person so suspended or restored. The determination of the Board of Civil Service Commissioners as to the class-group from which such positions were subsequently created shall be final and conclusive.

(b) The establishment in each class in each office, department or bureau of the city or major division established in and by a department having control of definite revenues and funds of a reserve list which shall consist of the names of those persons who have been theretofore regularly appointed to, and have served beyond the probationary period in or have been regularly promoted to a position in such class and have been suspended from their positions since January 1, 1928, for causes other than personal delinquency, whether for lack of funds, lack of work, abolishment of position or otherwise; provided, that any person in the classified civil service who has served therein since January 1, 1928, and was suspended for causes other than for personal delinquency shall be entitled upon his written request therefor to have his name placed upon the reserve list in each such class group in which he was regularly appointed and served beyond the period of probation and from which class he was suspended prior to January 1, 1928. Each person whose name appears on the reserve list, until regularly restored to a position in his class in the office, department, bureau or major division from which he was suspended as hereinbefore provided for in this section, shall be certified for appointment, as in this section provided for, to a position in his class in the office, department, bureau or major division from which he was suspended; provided that after this section takes effect, the name of any person, except as in this section provided for, who has been out of the service of the city for more than five years shall be permanently stricken from the reserve list by the board.

During suspensions other than for personal delinquency, the name of the person so suspended shall be placed and retained on the reserve list, as in this section provided for, in each class in each office, department, bureau or major division in which such person has served beyond the period of probation and from which he has been suspended for any cause other than personal delinquency.

Whenever any vacancy is to be filled, it shall be filled in the following order: First, by certifying from such reserve list, if any, in the class and office, department, bureau or major division in which such vacancy exists, the name of the person with greatest length of previous service in such class and all classes of higher rank as hereinbefore provided, or by transfer of a person whose service in such class and classes of higher rank is greater than that of any person on the reserve list of the office, department, bureau or major division where such vacancy is to be filled; secondly, by certifying from the promotional list, if any, as provided for in Section 107 of this article, of the office, department, bureau or major division where such vacancy is to be filled; thirdly, by certifying from the reserve list of other offices, departments, bureaus and major divisions as shall be provided for by the rules of the board; fourthly, by certifying from the appropriate register of eligibles as elsewhere provided for in this article. As to certifications to be made from other than the reserve list of the office, department,

bureau or major division in which such vacancy exists, the board may by its rules provide that when the list or register from which certification is to be made does not contain as many names as may be certified for any vacancy or vacancies under the provisions of Section 109 of this Charter, additional names, up to but not exceeding the maximum number therein specified, shall be certified from the list or register next in the order above provided.

The board shall have the same power and duty to review as to regularity of procedure all cases of suspension for lack of work, lack of funds or abolishment of position or otherwise, as elsewhere provided in the charter for removal, discharge, or suspension for cause; but the question of the necessity for such suspension for lack of work, lack of funds or abolishment of position shall not be subject to such review.

Section 115 of this charter shall be deemed superseded hereby.

PROPOSED CHARTER AMENDMENT No. 6

City Employees' Retirement System.

That the provisions of Article XXXIV of the Charter of the City of Los Angeles, providing for the establishment and maintenance of the City Employees' Retirement System, be amended by amending Sections 501, 502, 506, 507, 508, 508.1, 509, 510, 511 and 512, to read as follows:

Sec. 501. Definitions.

Definitions

For the purpose of this Article, the following words and phrases shall have the meaning ascribed to them in this section unless a different meaning is clearly indicated by the context:

"Accumulated Contributions": Shall mean the total of the amounts paid into the fund, together with regular interest thereon, by deduction from the member's salary as provided in section 507 and such additional amounts paid by the member as authorized under said section.

"Annuity": Shall mean payments for life derived from the accumulated contributions of a member as provided in this Article.

"Beneficiary": Any person receiving or entitled to receive, any benefit provided by this Article.

"City Service" or "Service": Shall mean only those periods during which a member received compensation from the city as an employee or during which he not only received Workmen's Compensation benefits (Div. IV, Labor Code) for temporary disability on account of any injury or illness arising out of and in the course of his employment with the city but for which he also made contributions to the fund as provided in this Article.

"Compensation Earnable": Shall mean the full salary, wage or compensation established for any position or office in the city service for the particular period involved in any calculation required; provided, however, that in the case of any such salary, wage, or compensation in excess of Five Hundred Dol-

lars ($500.00) per month, compensation earnable shall mean that portion thereof not exceeding sixty per cent (60%) of the highest salary, wage, or compensation established for any office or position to which appointment may be made under Section 109 of this Charter.

"Continuous Service": As applied to prior service means all prior city service regardless of interruptions in such service; and as applied to service as a member it shall mean uninterrupted city service except that discontinuance of such service of a member for any cause whatever, followed by reentrance into the city service within three years from the date of such discontinuance, shall not be considered as a break in the continuity of service.

"Dependent Parent": Shall mean only a person whom the Board of Administration, upon investigation and after a hearing in the matter, shall find is the parent of a member to or for whom the member, during the last year of his service, contributed at least one-half (½) the necessary living expenses.

"Employee": Shall mean every person in the employ or service of the City of Los Angeles in any capacity or rank whatever at a regular salary, wage or compensation, and regardless of whether the position held by any such person is classed as an office or employment.

"Final Compensation": Shall mean the average annual compensation earnable by a member for city service during the last five years of city service or during any other five consecutive years of city service which such member shall designate.

"Member": Any person included in the membership of the Retirement System under the provisions of Sec. 502. In addition to periods of city service for compensation, such membership shall continue during such temporary period or periods in which a member is not receiving compensation, as the Board of Administration may by rule determine.

"Prior Service": The city service of an employee, as defined herein, at any time before the 1st day of July, 1937; provided, that no credit for such service shall be allowed to any person entering city service after the 1st day of July, 1947, except in the case of a former member returning to such service and resuming membership in the Retirement System.

"Regular Interest": Shall mean interest credited to the individual account of each member as provided in this Article.

"Reserve Basis": A system which provides for the accumulation and maintenance of a fund which will at all times be equal to the difference between the present value of the obligations assumed and the present value of the money to be received for paying such obligations, where such present values are estimated in accordance with accepted actuarial methods and on the basis of an assumed rate of interest and the mathematical probabilities of the occurrence of such contingencies as affect both the payment of the assumed obligations and the receipt of money with which they are to be paid.

Members

Sec. 502. Members of the System.

A. All persons who are members of the Retirement System on the effective date of this amendment, shall continue as members thereof. Every employee, unless excluded therefrom under the provisions of Subsection B of this section, shall become a member of the Retirement System on the first day of the calendar month next succeeding his entry into the city service.

Every person who is a member on the effective date of this amendment and who was in city service as an employee between the first day of July, 1937 and the sixteenth day of April, 1947, during any period in which he was not also a member of the Retirement System, and as such contributing to the Retirement Fund or during any such period for which he did not make or is not making back contributions pursuant to the former provisions of this section, shall have the option to designate all or any portion of such service for which he desires to receive retirement credit, provided, however, that the period so designated must be such as will make his service, as a member, continuous. Such option shall be exercised in writing, filed with the Board of Administration, designating the period of city service for which the member desires to receive retirement credit, and must be accompanied by a single payment of back contributions or by an irrevocable agreement to pay such back contributions in installments, in such manner as the Board of Administration shall by rule provide. The back contributions to be paid shall be in an amount equal to all of the contributions which he would have made to the Fund had he been a member during such period, together with all regular interest which, had he so made the same, would have been credited thereon prior to the date of such payment; provided, however, that in the case of such installment payments thereof, interest shall also be paid upon the unpaid balance of the same at the rate at which regular interest was last credited to members' accounts. Every member who makes up back contributions, as hereinabove provided, shall be allowed credit for the period of city service designated in the declaration filed by him with the Board of Administration, the same as though he had been a member during such period; provided, however, that should he, for any reason, cease to be a member before making up the full amount thereof, he shall be allowed retirement credit, counter-calendarwise, for the same portion of such designated period as the amount made up by him is of such full amount. Said written election shall be filed with the Board of Administration not more than one (1) year after the effective date of this amendment.

Same
Exclusions

B. The following employees shall not be members of said Retirement System:

(1) Persons employed by the Department of Education or by any Borough Government.

(2) Persons serving on any Board of Commissioners whose compensation consists of attendance fees per meeting attended.

(3) Members of the Fire and Police Pension System and members of the Water and Power Employees' Retirement Plan,

provided, however, that this exclusion shall not operate during any period of city service in which any such person is employed in any capacity which renders him ineligible for current membership in said System or Plan. Nothing in this Article shall be construed to prevent any person entitled to the payment of any benefit on account of service as a member of the System or Plan herein mentioned, from receiving payment on account of any benefit to which such person is entitled as a member of this Retirement System; provided, nevertheless, that no payment shall be made under provisions of this Article, for or on account of any period of service for which such person is entitled to receive or is receiving any benefit under the Fire and Police Pension System or the Water and Power Employees' Retirement Plan.

(4) Inmates of city institutions who are allowed compensation for such services as they are able to perform.

(5) Persons in city institutions principally for the purpose of receiving training but who receive compensation.

(6) Persons employed under contract for a definite period or for the performance of a particular special service.

(7) Persons employed only on call or for seasonal work.

(8) Any person employed on an intermittent or part-time basis, unless he is a member at the time he commences to serve on such a basis; or unless the appointing power certifies to the Board of Administration that his employment is regular and continuous and will probably extend for at least one year and require service for at least one-half the time required of employees in the same group or class of service on a full-time basis.

(9) Any officer of the city elected or appointed for a fixed term who files a written declaration of his desire not to become a member of the System within ninety (90) days next following the last day of the calendar month during which his first deduction on account of member contributions to the Retirement Fund is taken. When such a declaration is filed any contributions already taken shall be refunded.

Sec. 506. Budget. Budget

Said Board shall annually prepare and transmit to the Mayor and Controller a budget setting forth the estimated cost of maintaining said retirement fund, which said budget shall include therein separate items as follows:

(1) A sum equal to a percentage of the salaries of all members of said retirement system, which said percentage shall be the same as that shown in the last actuarial report rendered, as hereinbefore provided to be the percentage required for members of such departments with no past service.

(2) A sum sufficient to liquidate, over a period of years to be determined by said Board, the deficit shown by said last rendered actuarial report to have accrued because of prior service of members and the additional liabilities assumed by the System under this amendment.

(3) The amount of any deficit which may remain in said retirement fund in the event the appropriation of any previous

year shall have proved insufficient to pay the demands drawn against said retirement fund.

(4) Administration expense.

For the purpose of providing funds to meet the budget for said City Employees' Retirement Fund the Council or Controller shall annually levy, in addition to all other taxes levied by the city, a tax clearly sufficient to provide the total amount of all items in said budget; provided, however, that said City Council may appropriate from any available funds, all or any part of the total amount of all or any of the items in the budget for said City Employees' Retirement Fund, in which event the tax levy to be made for said fund shall be clearly sufficient to provide the difference between the amount so appropriated and the total amount of all items in said budget.

Members' contributions

Sec. 507. Contribution of Members.

Each member of said Retirement System shall contribute to said Retirement Fund by salary deduction at the rate of contribution established by the Board of Administration. The rate of such contribution and deduction shall be expressed as a percentage of compensation earnable and shall be a single rate for both sexes based on age at the time of entrance into the System, and shall be such as will accumulate, on the average and on a reserve basis, a sum sufficient for the payment of an annuity of one one-hundred-twentieth (1/120) of final compensation, multiplied by the number of years and parts thereof of city service subsequent to the first day of July, 1937. No adjustment shall be included in the rates adopted subsequent to this amendment because of any time during which members have theretofore contributed at different rates. The rate of contribution and deduction for members over the age of fifty-nine (59) years at the time of entrance into the system shall be at the rate established for the age of fifty-nine (59) years.

The Board of Administration shall certify to the Administrative head of each department or office the rate of contribution for each member in said department or office. The administrative head of such department or office shall cause such rate of contribution to be applied to the compensation earnable of each member for each payroll period and shall certify to the Controller the amount to be contributed by each member whose name appears on such payroll and shall deduct from the salary to be paid each member, exclusive of overtime, the amount of the contribution of such member, and shall draw a payroll check for the total amount of such contributions which shall be paid into the City Employees' Retirement Fund.

Said Board of Administration shall maintain an individual account of the contributions made by or for each member, as hereinabove provided. Regular interest shall be credited to such individual accounts and to the actuarial reserve accounts as of the last day of June and December of each year at such

rate as the Board of Administration may deem proper in the light of the Fund's earnings, exclusive of profits and losses on principal heretofore or hereafter resulting from sales of securities. No such interest shall be credited at any other time or to the individual account of any person who is not a member; provided, however, that such interest shall be credited to the individual account of a member who either retires or dies for any period of service between the next preceding last day of June or December and the date of such retirement or death at the rate at which regular interest was last credited to members' individual accounts.

The Board of Administration shall, by rule, provide for: the making up of back contributions in accordance with the provisions of Section 502-A; the re-deposit of withdrawn accumulated contributions in accordance with the provisions of Section 512-A; the making up of contributions which a member failed to make for any period during which he received Workmen's Compensation benefits (Div. IV, Labor Code) for temporary disability on account of any injury or illness arising out of and in the course of his employment with the city, together with an amount equal to the regular interest which would have been credited thereon had he made the same; and the making of additional contributions to provide a larger annuity benefit at the time of retirement.

Each member shall be deemed to consent and agree to each deduction made as provided for herein and the payment of each payroll check to such member shall be a full and complete discharge and acquittance of all claims and demands whatever for the services rendered by each member during the period covered by such payroll, except such claims as such member has to the benefits or payments provided for in this article. The right of each and every member to be paid his accumulated contributions in the event of any subsequent repeal of this article is hereby declared to be a vested property right of each such member. Furthermore, the right of each and every member to be paid his accumulated contributions upon his separation from the city service, as provided in Section 512, and the right of each and every beneficiary to be paid the member's accumulated contributions upon his death before retirement or his unused contributions upon his death after retirement, as provided in Section 511, are hereby declared to be vested property rights of each such member or beneficiary provided, however, that should the member or beneficiary entitled thereto fail to make claim or demand payment thereof within ten (10) years from the date of such separation or death, whichever be applicable, or within ten (10) years from the effective date of this amendment, whichever shall be the later, said accumulated contributions or unused contributions shall be transferred to such reserve account or accounts in the Retirement Fund as the Board of Administration, in its sole discretion, may determine and, thereafter, any action or proceeding to enforce payment thereof to any such member or beneficiary shall be forever barred.

Service retirement

Sec. 508. Service Retirement.

A. Every member shall be retired on the first day of the calendar month next succeeding that month in which he shall have reached the age of seventy (70) years, provided that the chief administrative officer of any department shall not be so retired during any period in which the appointing power requests, in writing filed with the Board of Administration, the retention in service of such chief administrative officer, and provided, further, that no member occupying an elective office for a fixed term shall be so retired until the expiration of the last term to which such member may be so elected.

B. Any member who shall have completed ten (10) or more years of continuous service, as defined herein, shall be so retired at any time after attaining age sixty (60), upon filing with the Board of Administration his written application therefor designating therein the date upon which such retirement shall be effective, which date shall be not less than thirty (30) nor more than sixty (60) days from and after the filing of such application; provided, that any member who has completed the minimum number of years of service entitling him to retire, as hereinabove set forth, and who has attained age fifty-five (55) or has completed thirty (30) or more years of service regardless of age, may elect to retire and be paid the actuarial equivalent of the retirement allowance which would be payable to him if he had then attained age sixty (60). Application for such earlier retirement shall be made in the same manner as that hereinabove provided for regular service retirement.

Any person whose membership has heretofore been terminated or any member whose membership may hereafter be terminated, for any reason, after he has completed five (5) or more years of continuous service, may elect to leave his accumulated contributions in the Retirement Fund and thereafter be paid a service retirement allowance, as in this paragraph provided. Such election shall be irrevocable and must be in writing, filed with the Board of Administration within three (3) years from the date of such termination or within three (3) years from the effective date of this amendment, whichever shall be the later, and upon the execution and filing of the same, such person's individual account shall be credited with an amount equal to all of the regular interest which, had he otherwise been entitled to the same, would have been credited thereto between the date of such termination of membership and the date of the filing of such election and, thereafter, regular interest shall, until he shall be paid a service retirement allowance, be credited thereto in the same manner as members' individual accounts shall be credited therewith. In the event that any such person should die before being paid a service retirement allowance, the only benefit which shall be paid under the provisions of this article is the payment of his accumulated contributions under the provisions of Section 511 A (1). Failure to file such a declaration within said period shall constitute an irrevocable decision not to take the benefits of this paragraph. Every person

or member who elects to leave his accumulated contributions in the Fund, as in this paragraph provided, may at any time after attaining age seventy (70) or at any time after attaining age sixty (60) and after ten (10) years has elapsed since he first became a member apply for retirement and be paid a retirement allowance, based upon his then accumulated contributions and his service as of the date his membership was terminated calculated in accordance with the provisions of Subsection C of this section; provided, that any such member may, at any time after attaining age fifty-five (55) and after ten (10) years has elapsed since he first became a member, elect to retire and be paid the actuarial equivalent of the retirement allowance which would be payable to him if he had then attained age sixty (60).

Retirement allowance

C. Any person heretofore or member hereafter retired on account of service shall receive a retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement, calculated in accordance with approved actuarial methods as of the date of retirement.

(2) A pension for all military service and prior service for which he is entitled to retirement credit and for all service during or for which he contributed to the Retirement Fund, which pension shall be, from and after the effective date of this amendment, in such an amount that the same, when added to that portion of his annuity not derived from additional contributions or not in excess of an amount equal to one one-hundred-twentieth ($1/120$) of his final compensation, as presently herein defined, multiplied by the number of years and parts thereof for which his contributions are on deposit in the Fund at the time of retirement, shall be a sum which shall be equal to one-sixtieth ($1/60$) of his final compensation, as presently herein defined, calculated as of the date of retirement, multiplied by the number of years and parts thereof of such military service, prior service and service during or for which he so contributed; provided, however, that if such member had been on disability retirement under the provisions of this article, such sum shall be reduced by an amount equal to the annuity which the total of the disability annuity payments made to him would have provided had they still been part of his accumulated contributions at the time of his retirement hereunder.

Every person who became a member by virtue of being an employee on the first day of July, 1937, and who has heretofore been or may hereafter be retired by reason of having reached age seventy (70), as provided in Subsection A hereof, and who shall not be entitled to any of the benefits of Section 508.1 in a larger amount, shall receive such additional pension that his retirement allowance shall be not less than thirty (30) percent of his final compensation, as presently herein defined, or Sixty Dollars ($60) per month, whichever sum is larger.

The provisions of this section shall not operate so as to reduce the retirement allowance of any person retired prior to the effective date of this amendment.

No person who shall have been retired from the service and employment of the City of Los Angeles pursuant to the provisions of this article shall thereafter be paid for any service rendered as an officer or employee of said city, except for service rendered as an election officer or as an officer elected by the electors of said city.

Same: Minimum

Sec. 508.1. Minimum Service Retirement Allowance.

From and after the effective date of this amendment, every person heretofore or member hereafter retired pursuant to the provisions of Section 508 and who, on the effective date of such retirement, was or is at least sixty (60) years of age and had or has at least ten (10) years of continuous service immediately preceding such date, shall receive such additional pension that, for ten (10) such years, his total monthly retirement allowance shall be not less than Sixty Dollars ($60.00) if retired at age sixty (60), Sixty-four Dollars ($64.00) if retired at age sixty-one (61), Sixty-eight Dollars ($68.00) if retired at age of sixty-two (62), Seventy-two Dollars ($72.00) if retired at age of sixty-three (63), Seventy-six Dollars ($76.00) if retired at age of sixty-four (64) and Eighty Dollars ($80.00) if retired at age of sixty-five (65) or over, plus an additional One Dollar ($1.00) per month for each additional completed year of service, not exceeding twenty (20) such additional years; provided, however, that no person whose service retirement credit is based, in whole or in part, upon service rendered for less than full-time, shall receive a greater percentage of such additional pension than that which such service bears to that of full-time; and provided further, that the provisions of this section shall not operate to reduce the retirement allowance of any person retired prior to the effective date of this amendment.

Same: Optional

Sec. 509. Optional Retirement Allowance.

At any time before the first payment of a retirement allowance on account of any voluntary, compulsory or disability retirement, the person or member to be retired, or retired, as the case may be, may elect to receive in lieu of his retirement allowance as provided in Section 508 or Section 510 the actuarial equivalent at that time of such retirement allowance, in accordance with any of the following:

(1) An optional retirement allowance payable throughout the balance of his life, with the provision that upon his death such optional retirement allowance shall be continued through the life of and paid: to the member's surviving spouse; or to his minor children, in the event there be no surviving spouse; or to his dependent parents, in the event there be no surviving spouse or minor children; provided that, in the case of a minor child, the same shall terminate with the monthly payment next preceding the date on which said child attains the age of eighteen (18) years; or

(2) An optional retirement allowance payable throughout the balance of his life, with the provision that upon his death one-half ($\frac{1}{2}$) of such optional retirement allowance shall be continued through the life of and paid: to the member's surviving spouse; or to his minor children, in the event there be no surviving spouse; or to his dependent parents, in the event there be no surviving spouse or minor children; provided that, in the case of a minor child, the same shall terminate with the monthly payment next preceding the date on which said child attains the age of eighteen (18) years; or

(3) Any other optional retirement allowance which the member may elect to receive and which shall be authorized by the Board of Administration; provided, however, that should any provision be made therein for the payment of any benefit after the death of the member, such benefit shall be payable to only those persons mentioned in (1) and (2) hereof and shall terminate, in the case of a minor child, with the monthly payment next preceding the date on which said child attains the age of eighteen (18) years.

The amount of every such optional retirement allowance shall be so calculated that the liability of the system at the date of retirement under the optional retirement allowance shall be equal to the liability of the system at the same date under the retirement allowance provided in Section 508, Section 508.1 or Section 510. For the purpose of this section, the liability of the system is defined as the present value, in accordance with tables adopted by the Board, of the retirement allowance or optional retirement allowance calculated by approved actuarial methods, giving due weight to the average probabilities of survivorship of all parties involved in the allowance, or optional allowance, to the limitation of payments to age eighteen in the case of a minor child, and to the requirement for refund of unused contributions after the death of the member or beneficiary as provided for in Section 511.

Sec. 510. Disability Retirement. Disability retirement

A. Any member who has ten (10) or more years of continuous service and who has become physically or mentally incapacitated and who is incapable, as a result thereof, of performing his duties, may be retired upon written application of such member, or of any person acting in his behalf, or of the head of the department in which such member is employed. Any such written application may be made at any time within, but not exceeding, six months after the discontinuance of the service of such employee or the termination of any duly authorized sick leave with pay, provided such incapacity has been continuous from the discontinuance of such service.

Said Board shall cause such member to be examined by and a written report thereon rendered by three regularly licensed, practicing physicians selected by said Board and shall hear such other evidence relating to such disability of such member as may be presented to said Board. If, upon considering the report of such physicians and such other evidence as shall have been

presented to it, said Board finds that said member has become physically or mentally incapacitated and is incapable, as a result thereof, of performing his duties and if said Board finds that such disability was not due to intemperance or the willful misconduct of such member, he shall be retired as of the date of the discontinuance of his service on account of such disability, or termination of sick leave with pay.

Any person heretofore or member hereafter retired on account of disability shall receive a disability retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement calculated in accordance with approved actuarial methods as of the date of retirement; and

(2) A pension which shall be, from and after the effective date of this amendment, in such an amount that the same, when added to that portion of his annuity not derived from additional contributions, shall be a sum which shall be equal to one-seventieth (1/70) of his final compensation, as presently herein defined, calculated as of the date of retirement, multiplied by the number of years of continuous service of such member; provided, however, that such sum, in the case of any such person whose service if continued to the age of sixty (60) years would have amounted to or would amount to eighteen (18) years or more, shall be not less than one-fourth ($\frac{1}{4}$) of his final compensation, as presently herein defined.

The provisions of this section shall not operate so as to reduce the retirement allowance of any person retired prior to the effective date of this amendment.

Re-entry into service

B. The Board of Administration may, from time to time in its discretion, require any beneficiary under the age of sixty (60) years who shall have been retired because of disability to submit to medical examination by three regularly licensed practicing physicians selected by the Board. Upon the basis of such examination and other proper evidence, said Board shall determine whether such beneficiary is still incapacitated for service in the position held by him at the time of his retirement. If said Board shall determine that such beneficiary is not so incapacitated, he shall be restored to duty in the position held by him at the time of said retirement order, and upon his return to active service his retirement allowance shall be cancelled.

Should any such beneficiary re-enter the service of the city, as hereinabove provided, and be eligible for membership in said retirement system, he shall immediately upon such re-entry become a member of said Retirement System, and thereafter his rate of contributions shall be that established for his age at the time of such re-entry. The balance, if any, of his accumulated contributions, after deducting the annuity payments made to him on account of his disability retirement allowance, shall be credited to the individual account of such member and he shall receive credit for services rendered

by him prior to the date of such retirement order in the same manner as though such member had never been retired for disability.

C. The failure, neglect, or refusal of any beneficiary, to submit to such medical examination as the Board may order pursuant to subdivision B hereof, or to return to active service pursuant to said subdivision, within such reasonable time as said Board may determine upon shall be sufficient cause for cancellation of such retirement allowance, in the discretion of said Board, in which event the accumulated contributions of such beneficiary, less any payments made on account of the annuity provided herein, shall be returned to such beneficiary.

Said Board of Administration shall have the power to hear and determine all matters pertaining to the granting or termination of any retirement allowance provided for in this section, and the determination of said Board shall be final and conclusive.

Sec. 511 Payments Upon Death.

Payment upon death Before retirement

A. Upon the death of any member before retirement:

(1) His accumulated contributions, except as otherwise provided in Section 507, shall be paid: to such person as he shall have nominated by written designation duly executed and filed with the Board of Administration; or, if there be no such written designation of beneficiary, then to the surviving spouse of such deceased member, or to his children in the event there be no surviving spouse, or to his parents in the event there be no surviving spouse or children. In the event there be no written designation of beneficiary, surviving spouse, children or parents, then said accumulated contributions shall be paid to the executor or administrator of the estate of such deceased member, or to any other person legally authorized to collect money due the decedent.

(2) In the event such member shall have had at least One (1) year of service for which he is entitled to service retirement credit, then a limited pension, amounting to one-twelfth (1/12) of the compensation earnable of such member during the last year of his service, multiplied by the number of years of service, not exceeding six (6), shall be paid in equal monthly installments of one-twenty-fourth (1/24) of such compensation earnable;

(a) To the surviving spouse of such deceased member; or

(b) To the minor children of such member, in the event there be no surviving spouse; or

(c) To the dependent parents of such member, in the event there be no surviving spouse or minor children, provided, however, that no such limited pension shall be paid in the event the Board of Administration, upon investigation and after a hearing in the matter, finds that the death of such member was due to or resulted from the intemperance or the willful misconduct of such member. In the event any such beneficiary should die before receiving the full amount of such limited pension, the same shall be continued to the persons who, in the

order hereinabove set forth, qualify as beneficiaries thereof as of the date of death of such deceased beneficiary and who, within sixty (60) days after such date, make demand for payment thereof; provided, however, that in the event no such demand is made within such time, the said limited pension shall conclusively be deemed to have been terminated as of such date of death.

(3) In the event such member was eligible to retire pursuant to the provisions of Section 508 and that the person or persons entitled to be paid such limited pension is or are the same person or persons entitled to be paid, against the claims or demands of any and all other persons thereto, the full amount of such member's accumulated contributions, then such person or persons may, by a written instrument duly executed, acknowledged and filed with the Board of Administration, waive payment of such limited pension and such accumulated contributions and elect to be paid, in lieu thereof, the optional retirement allowance which would have been paid to such member throughout his life and continued, upon his death, throughout the life or lives of such person or persons as his designated survivor or survivors, had he, as of the day preceding his death, been retired pursuant to the provisions of Section 509 (1) and designated such person or persons as his survivor or survivors. The duly appointed, qualified and acting guardian of the estate of a minor child or an incompetent shall make such waiver and election on behalf of such minor child or incompetent. In no event shall the benefits of this subdivision be payable to any person after the allowance of a limited pension pursuant to the provisions of subdivision (2) of this Subsection nor shall the limited pension be payable to any person after the allowance of the benefits of this section.

Same: After retirement

B. Upon the death of a member after retirement, or, upon the death of all of his survivors to whom a retirement allowance was paid under any of the provisions of Section 509, the unused contributions, except as otherwise provided in Section 507, and any accrued but unpaid retirement allowance, shall be paid in the same manner as that provided in subdivision (1) of Subsection A of this section for the payment of the accumulated contributions of a member who dies before retirement. For the purpose of this subsection, the phrase "unused contributions" shall mean the remainder, if any, of the accumulated contributions of such deceased member after deducting the total of all amounts paid on account of any annuity to such member and to his survivor or survivors.

C. Upon the death of any member after retirement, there shall be paid to the surviving spouse of such deceased member, or to his children in the event there be no surviving spouse, or to his parents in the event there be no surviving spouse or children, or to such person as he shall have nominated by written designation duly executed and filed with the Board of Administration in the event there be no surviving spouse, children or parents, the sum of Five Hundred Dollars ($500.00); provided,

that such payment shall be made only after satisfactory evidence has been presented to said Board that the expense of burial of such deceased member has been paid or that the obligation to pay therefor has been incurred by a person or persons or an organization legally capable of contracting such obligation. In the event there be no surviving spouse, children, parents or specially designated nominee, or in the event that the requirements herein stated with respect to the expense of burial of such member have not been complied with within such time as said Board, in its discretion, may determine, then said sum of Five Hundred Dollars ($500.00) shall be paid to the executor or administrator of the estate of such deceased member, or to any other person legally authorized to receive money due the decedent.

Sec. 512. Withdrawal of Accumulated Contributions.

Accumulated contributions. Withdrawal

A. Every person who has heretofore or member who may hereafter become separated from the service of the city and who does not receive any retirement allowance as provided in this article shall, nevertheless, receive and be paid, except as otherwise provided in Section 507, his accumulated contributions upon written demand made to the Board of Administration. Any such person who heretofore so received and was paid such contributions or any such person or member who hereafter so receives and is paid such contributions and who either heretofore re-entered such service and as a result of such re-entry again became a member in said retirement system or should, within ten (10) years from the date of such separation, re-enter such service and as a result of such re-entry again become a member in said retirement system, may, within one (1) year after such re-entry or within one (1) year after the effective date of this amendment, whichever shall be the later, deposit in said retirement fund by a single payment, an amount equal to both the accumulated contributions previously withdrawn and the regular interest which, had he left such contributions in the fund and been otherwise entitled to such interest, would have been credited to his individual account between the date of such separation and the date of such re-entry or he may, within such time, enter into such irrevocable agreement as said Board may authorize for the payment thereof in installments, together with interest upon the unpaid balance thereof at the rate at which regular interest was last credited to members' accounts and, in either event, he shall receive service retirement credit, except as hereinafter limited, for the periods of city service for which said contributions were originally made. Should he re-enter such service within three (3) years from the date of such separation and comply with the provisions of this Subsection, his rate of contribution shall be that provided for his age as of his original entry into such system; provided, however, that should he fail to comply with said provisions or had he heretofore made such re-entry or should he make such re-entry more than three (3) years after the date of such

separation, his rate of contribution shall be that provided for his age as of such re-entry into such system. The provisions of this Subsection shall not operate so as to affect the rights of any person or member who heretofore re-entered the service of the city after separation therefrom and redeposited his withdrawn accumulated contributions in accordance with the former provisions of this section or who is making installment contributions on account of such redeposit pursuant to the former provisions of Section 508-C (2).

Same Permit to remain in fund

B. Every person who has heretofore or member who may hereafter become separated from the service of the city and who does not receive any retirement allowance as provided in this article may, nevertheless, but subject to the conditions provided in Section 507, permit his accumulated contributions to remain in the fund. Any such person or member who permits such contributions to remain in the fund and who should, within ten (10) years from the date of such separation or within ten (10) years from the effective date of this amendment, whichever shall be the later, re-enter such service and as a result of such re-entry again become a member in said retirement system, shall, if his account has not otherwise been credited therewith, have his individual account credited, as of the date of such re-entry, with an amount equal to the regular interest which, had he otherwise been entitled to the same, would have been credited thereto between the date of such separation and the date of such re-entry. Should he re-enter such service within three (3) years from the date of such separation, his rate of contribution shall be that provided for his age as of his original entry into such system; provided, however, that should he make such re-entry more than three (3) years after the date of such separation, his rate of contribution shall be that provided for his age as of such re-entry into such system.

C Any member who for any reason, shall cease to be a member before re-depositing the full amount required under Subsection A hereof, shall be allowed retirement credit, counter-calendarwise, for the same portion of the periods of city service for which he was making such re-deposit as the amount re-deposited by him is of such full amount.

Proposed Charter Amendment No. 8

Section 267 of the Charter of the City of Los Angeles is amended to read:

City officers Discharge of duties, vacancies, etc

Sec. 267. The officers elected at a primary or general municipal election shall, after they have qualified, as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected, on the first day of July next succeeding their election, and shall, except as otherwise provided for in this charter, serve until their successors have been elected and qualified.

In the event of a vacancy in any elective office, other than Member of the Board of Education, the Council shall fill the

same by appointment. In such case, the person so appointed shall hold office for the unexpired term and until his successor shall have been elected and qualified.

In the event of a vacancy in the office of Member of the Board of Education said Board shall fill the same by appointment. The person so appointed shall hold office until the election and qualification of a person to fill the vacancy for the unexpired term, which election shall take place at the next succeeding primary nominating election or general municipal election, if any, occurring not less than ninety (90) days after the occurrence of such vacancy and prior to the expiration of such term. And if no such election shall so occur, then such appointed person shall hold office for the unexpired term.

Any candidate for the remainder of an unexpired term of office of Member of the Board of Education shall be nominated by petition. Except as otherwise herein provided, the provisions of this article relating to petitions for nomination at a primary nominating election shall apply to any petition filed under this section. Each petition shall be filed with the City Clerk not more than eighty (80) nor less than sixty-five (65) days prior to the primary nominating election or general municipal election at which the election to fill such unexpired term is to be held. The candidate who receives the highest number of votes for the unexpired term of office of Member of the Board of Education at such election shall be deemed elected to such office for the remainder of such unexpired term. In case the person who receives the highest number of votes shall fail to qualify within ten (10) days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

If the person so elected does qualify within such ten-day period, he shall, upon qualifying, immediately assume office.

No person shall be eligible for any such appointment unless he shall possess the same residential qualifications as are required for nomination or election to such office. Any person so appointed to fill a vacancy in an elective office may be removed from office by the recall in the same manner as if he shall have been elected to said office.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct, complete and exact copies thereof, and of each of them.

That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and have caused the corporate seal of The City of Los Angeles to be affixed hereto this 15th day of April, 1953.

(SEAL)

HAROLD A. HENRY
President of the City Council of The City of Los Angeles
WALTER C. PETERSON
City Clerk of The City of Los Angeles

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved, by the Assembly of the State of California, the Senate thereof concurring (a majority of all of the members elected to each house voting therefor and concurring therein), That said amendments to the charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of the said the City of Los Angeles.

CHAPTER 104

Senate Concurrent Resolution No. 52—Relative to the passing of James Thorpe.

[Filed with Secretary of State, April 20, 1953.]

Death of James Thorpe

WHEREAS, The Members of this Legislature were deeply grieved to learn of the passing of James Thorpe, athlete extraordinary, at the age of 64 years; and

WHEREAS, Born in Oklahoma, James Thorpe first came into prominence on the gridiron of Carlisle University where as a football player, he brought fame to himself and his alma mater by being chosen All-America halfback for the years 1911 and 1912; and

WHEREAS, James Thorpe's athletic talents were not restricted to the game of football but encompassed many other sports, including baseball, at one time playing professional baseball with the New York Giants; and

WHEREAS, James Thorpe went, as a representative of the United States, to the 1912 Olympic Games held at Stockholm, Sweden, and there distinguished himself and his Country by winning the pentathlon and decathlon events; and

WHEREAS, James Thorpe was considered by many the greatest athlete this Country has produced in the last half century and

continues to be an inspiration to the youth of this Country; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature take this means of expressing their deep sorrow over the passing of James Thorpe and extend their profound sympathy to the surviving family of James Thorpe; and be it further

Resolved, That when the Legislature adjourns this day, it do so out of respect to James Thorpe; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a suitably prepared copy of this resolution to Mrs. Patricia Askew Thorpe, wife of James Thorpe.

CHAPTER 105

Senate Concurrent Resolution No. 16—Relative to a survey of State utilization of a microwave or wire line system of communications.

[Filed with Secretary of State, April 20, 1953.]

Survey of Federal-State Market News Service communications

WHEREAS, It has been recommended by the Federal Communications Commission, in its notice of proposed rule-making relative to discontinuance of the use of short wave radio-telegraph frequencies by the Federal-State Market News Service, that consideration be given to other methods of communication, which notice stated in part: "Initially, the commission wishes to emphasize as strongly as possible that its proposal in no way intended to terminate the market news service in the State of California, nor do we believe that adoption of this proposal will, in fact, require the service to be terminated. The commission has a full appreciation and awareness of the importance and value of the market news service and of the necessity for maintaining it in California. However, we believe, for the reasons set forth in detail below, that the public interest requires that the use of radio frequencies below 25,000 kc for this service by FSMNS should be discontinued and that conversion to wire lines or to available microwave frequencies will result in improvement in the market news service which will be of benefit to its users in the State of California." (Published in 17 Federal Register, page 8667); and

WHEREAS, Representatives of said commission have confirmed this recommendation in discussions with officers responsible for the radio communications systems of the State; and

WHEREAS, The use of a microwave or wire line system of communications by the State would permit the development of an integrated plan designed to furnish a more flexible, speedy, and economical receipt and transmission of messages by public agencies, both state and local; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Finance,

through its Division of Communications in conjunction with the Legislative Auditor, be requested to make a complete survey of the feasibility of utilization of a microwave system of communications, a wire line system of communications or any alternative system of communications which would meet the need, including estimates of the cost of establishing such systems.

CHAPTER 106

Senate Concurrent Resolution No. 54—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the municipal primary election held therein on the tenth day of March, 1953.

[Filed with Secretary of State, April 20, 1953.]

City of San Diego Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO } ss.
CITY OF SAN DIEGO

Certificate

We, the undersigned, John D. Butler, Mayor of The City of San Diego, and Fred W. Sick, City Clerk of said City, do hereby certify and declare as follows:

The City of San Diego, a municipal corporation of the County of San Diego, State of California, is now, and at all times herein mentioned was, a city containing a population of more than one hundred thousand inhabitants, and has been ever since the year 1931, and is now, organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at the municipal general election held in said City on the 7th day of April, in the year 1931, in manner, form and substance as required by law, and was thereafter duly approved by joint resolution of the Legislature of the State of California, adopted on the 15th day of April, 1931.

That pursuant to and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of The City of San Diego, being the legislative body thereof, on its own motion, by Ordinance No. 5460 (New Series), passed and adopted by said Council on the 20th

day of January, 1953, duly proposed to the qualified electors of The City of San Diego ten certain amendments to the Charter of said City, designated as Propositions A, B, C, D, E, F, G, H, I, and J, respectively, and ordered said ten proposed charter amendments to be submitted to said qualified electors at the municipal primary election called and held in said City on the 10th day of March, 1953.

That said proposed charter amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in The San Diego Union, a daily newspaper of general circulation published in said The City of San Diego, and the official newspaper of said City, and in each edition thereof during the day of publication, to-wit: on January 27, 1953.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of The City of San Diego was published in The San Diego Union, a daily newspaper of said City, on the 15th day of February, 1953, and on each day thereafter until the day fixed for said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said City until the day fixed for said election. That copies thereof were mailed to each of the qualified electors, as required by law.

That said proposed amendments were submitted, pursuant to the provisions of said Ordinance No. 5460 (New Series) to the qualified electors of said City at the municipal primary election held in said City on the 10th day of March, 1953.

The said Council did on the second day next succeeding the date of said election then and there by resolution direct the City Clerk to make the canvass of the returns of said election. That upon the completion of said canvass and the certification of the results thereof by the City Clerk to the Council, said Council did, by Resolution No. 111148, passed and adopted March 17th, 1953, duly declare the result of said election from the canvass of the returns thereof.

The said Council did by said Resolution No. 111148 declare that the said proposed amendments to the Charter of The City of San Diego, designated as Propositions A, B, C, D, E, F, G, H, I, and J, were, and each of them was, ratified by a majority of the qualified electors of said City voting thereon.

That as to each of the amendments to the Charter of The City of San Diego, hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendments to the Charter of The City of San Diego which were so ratified by a majority of the electors of said City, are in words and figures as follows:

PROPOSITION A.

Amend Section 4 of Article II of the Charter of The City of San Diego to read as follows:

City council district boundaries.

"Section 4. For the purpose of electing members of the Council the City shall be divided into six Districts as nearly equal in registered voter population as practicable. For all primary and regular elections held under this charter the boundaries of such districts shall be as more particularly shown and delineated on that certain map showing the boundary lines of said six districts contained in Document No. 424186, on file in the office of the City Clerk of said City, which map was approved by ordinance adopted by the Council October 10, 1950, and became effective November 10, 1950.

In any ordinance adopted by the Council changing and altering the boundaries of any councilmanic district the ordinance may describe the new boundaries by reference to a map on file in the office of the City Clerk, and a metes and bounds description of the new boundaries need not be contained in said ordinance."

PROPOSITION B.

Amend Section 16 of Article III of the Charter of The City of San Diego to read as follows:

Ordinances

"Section 16. Ordinances shall be introduced in the Council only in written or printed form. All ordinances, except annual appropriation ordinances and ordinances codifying or rearranging existing ordinances, shall be confined to one subject, and the subject or subjects of all ordinances shall be clearly expressed in the title. The annual appropriation ordinance, any ordinance calling or relating to elections, ordinances recommended by the City Manager or other independent department heads transferring or appropriating moneys already appropriated by the annual appropriation ordinance, ordinances establishing or changing the grade of a public highway, and emergency ordinances as defined by Section 17 of this Charter, may be passed by the Council on the day of their introduction. Other ordinances, however, shall be passed only after six (6) calendar days have elapsed between the day of their introduction and the day of their final passage. Each ordinance shall be read in full prior to the final passage of such ordinance, unless such reading shall be dispensed with by a vote of not less than four (4) members of the Council, and not then unless there shall have been available for the consideration of each member of the Council prior to the day of its final passage a written or printed copy of said ordinance. The yeas and nays shall be taken upon the passage of all ordinances and entered upon the journal of the proceedings of the Council. The yeas and nays shall be taken and entered upon the passage of all resolutions receiving a split vote, or upon the request of two or more members of the Council. The enacting clause of ordinances passed by the Council shall be 'Be it ordained by the Council of The

City of San Diego.' The enacting clause of ordinances submitted by the initiative shall be 'Be it ordained by the people of The City of San Diego.' "

PROPOSITION C.

Amend Section 20 of Article III of the Charter of The City of San Diego to read as follows:

"Section 20. The Council may by ordinance codify all of the ordinances of a general nature of the City into a Municipal Code. When so codified such Municipal Code and all sections thereof shall be admissible in all courts as prima facie evidence of the due passage and publication of the ordinances as codified." Municipal Code

PROPOSITION D.

Repeal Section 21 of Article III of the Charter of The City of San Diego. Repeal

PROPOSITION E.

Amend Section 35 of Article V of the Charter of The City of San Diego to read as follows:

"Section 35. The Purchasing Agent shall make all purchases of supplies, materials, equipment, and insurance required by the various Departments or offices of the City, except as may be otherwise provided by the Council or this Charter. He shall prepare in consultation with the administrative officers of the City standard specifications for all supplies, materials, equipment, and insurance necessary for use by the various Departments or offices of the City. Purchases for city

In purchasing any supplies, materials, equipment and insurance required by the various Departments or offices of the City, if the cost of said supplies, materials, equipment and insurance exceeds in amount the sum of $5,000.00, no such purchase shall be made without advertising for sealed proposals therefor. Notices calling for such sealed proposals shall be published for one day in the official newspaper of the City, and a contract let for such purpose only after the expiration of ten days following said advertising. If the cost of the said supplies, materials, equipment and insurance required by said City exceeds the sum of $1,000.00, but is not in excess of $5,000.00, the said purchase may be made by said Purchasing Agent without advertising for sealed proposals, but not until said Purchasing Agent has secured competitive prices from merchants or other persons interested in making the sale to said City and not until the Purchasing Agent has been authorized by the Council to make such purchase. Purchases of supplies, materials, equipment and insurance required by the various Departments or offices of the City which do not exceed the sum of $1,000.00 in cost may be made by the Purchasing Agent directly upon the request of the department interested.

The Council shall by ordinance provide for the sale, exchange or other disposal by the Purchasing Agent of any surplus, used, obsolete or depreciated personal property belonging to the City.

The Council by resolution may order the purchase without advertising for bids of surplus commodities from the United States of America, or any agency thereof, or from any other public corporation, state or municipal, or any agency thereof. The Council may also authorize said Purchasing Agent to sell to any other public corporation, state or municipal, any supplies, material and equipment which said City may have been able to purchase in quantity at a reduced price.

Supplies shall be furnished upon requisition either from the stores under the control of the Purchasing Agent or by purchase, and whenever so purchased shall be paid for by the Department or office furnished therewith. It shall be the duty of the Purchasing Agent to inspect or cause to be inspected all purchases, and reject any of those which are not up to the standard specifications provided therefor, and he shall not approve any bid or voucher for articles which are not in conformity with specifications, or which are at variance with any contract. The Purchasing Agent shall not furnish supplies to any Department or office unless there be to the credit thereof an available unencumbered balance sufficient to pay for such supplies.

Materials, supplies or equipment not needed by a Department or office, but necessary to another Department or office, may be transferred by the Purchasing Agent and a proper record made of the transaction. He shall have charge of such storerooms and warehouses of the City as the Manager may provide or the Council by ordinance may authorize. The Council may, upon recommendation of the Manager, authorize the Purchasing Agent to purchase materials, supplies, or equipment in common use by the Departments and offices in large quantities and store the same until requisitioned by the Departments or offices for use. The Council shall provide a sufficient revolving fund in the annual appropriation ordinance of an adequate amount for the purpose of creating a store's account and stock for future supply of the Departments and offices when needed.

The Purchasing Agent shall prepare a perpetual inventory account of all materials, supplies, equipment, insurance and other purchases, and include thereon a list of all real and personal property belonging to the City, and may require the Departments to furnish him with an inventory of all personal property on hand at the beginning of the budget year or at the end of the fiscal year. He shall file the original of such inventory account with the City Clerk and deliver a copy to the Auditor and Comptroller, and retain a copy for his office Once each year, or more often if required by the Auditor and Comptroller or upon demand of the Council, said Purchasing Agent shall amend and revise said inventory account so as to keep said inventory account up to date. He shall keep a record of all sources of supply, of all quotations received, of all awards made, of all inspections, of all requisitions filed, and of all

vendors furnishing commodities to the City. He shall perform such other duties as may be prescribed by general law or ordinance or by the Manager."

PROPOSITION F.

Amend the Charter of The City of San Diego by adding a new section to Article V thereof, to be numbered Section 40.1, which said section shall read as follows:

Jurisdiction of city attorney

"Section 40.1. The City Attorney shall have concurrent jurisdiction with the District Attorney of the County of San Diego to prosecute persons charged with or guilty of the violation of the state laws occurring within the city limits of The City of San Diego for offenses constituting misdemeanors."

PROPOSITION G.

Amend Section 94 of Article VII of the Charter of The City of San Diego to read as follows:

City contracts and bids

"Section 94. In the construction, reconstruction or repair of public buildings, streets, utilities and other public works, and in furnishing supplies, materials, equipment or contractual services for the same, when the expenditure therefor shall exceed the sum of $2,500.00, the same shall be done by written contract, except as otherwise provided in this Charter, and the Council, on the recommendation of the Manager or the head of the Department in charge if not under the Manager's jurisdiction, shall let the same to the lowest responsible and reliable bidder, not less than ten days after advertising for one day in the official newspaper of the City for sealed proposals for the work contemplated If the cost of said public contract work exceeds the sum of $1000.00, but is not in excess of $2500.00, the Council may let said contract without advertising for bids, but not until the Purchasing Agent of the City shall have secured competitive prices from contractors interested, which shall be taken under consideration by said Council before said contract is let. The Council may, however, upon the recommendation of the Manager and by a vote of five of its members, order the performance of any such construction and reconstruction or repair work by appropriate city forces when the estimates submitted as part of the Manager's recommendation indicate that the work can be done by the city forces more economically than if let by contract.

In case of a great public calamity, such as extraordinary fire, flood, storm, epidemic or other disaster the Council may, by resolution passed by a vote of five of its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health or property, and thereupon they may proceed, without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of any sum required in such emergency, on hand in the City treasury and available for

such purpose. All contracts before execution shall be approved as to form and legality by the City Attorney.

Each bidder shall furnish with his bid such security or deposit insuring the execution of the contract by him as shall be specified by the Council or as provided by general law.

The Council shall require each contractor under this Section to insure the faithful performance of his contract by delivering to the City a surety bond in an amount specified by the Council, executed by a surety company authorized to do business in the State of California, and in addition thereto, the retention of sufficient payments under the contract to insure the protection of the City against labor or material liens.

The Council, on the recommendation of the Manager, or the Head of the Department not under the jurisdiction of the Manager, may reject any and all bids and readvertise for bids. The Council may provide that no contract shall be awarded to any person, firm or corporation if prison or alien labor is to be employed in performing such contract, or if the wage schedule for employees engaged in performing such contract is based on more than eight hours of labor per day. Any contract may be let for a gross price or on a unit basis and may provide for liquidated damages to the City for every day the contract is uncompleted beyond a specified date. It shall be competent in awarding any contract to compare bids on the basis of time completion, provided that when any award has been made in consideration, in whole or in part, of the relative time estimates of bidders for the completion of the work, the performance in accordance with such time limits shall be secured by a surety bond as hereinabove provided with adequate sureties and penalties, and provided further, that for any contract awarded solely or partially on a specified time for completion the Council shall not extend such time limits unless such extension be recommended by the Manager and the Head of the Department concerned.

No officer, whether elected or appointed, of The City of San Diego shall be or become directly or indirectly interested in, or in the performance of, any contract with or for The City of San Diego, or in the purchase or lease of any property, real or personal, belonging to or taken by said City or which shall be sold for taxes or assessments or by virtue of legal process or suit of said City. Any person wilfully violating this section of the Charter shall be guilty of a misdemeanor and shall immediately forfeit his office and be thereafter forever barred and disqualified from holding any elective or appointive office in the service of the City. No officer, whether elected or appointed, shall be construed to have an interest within the meaning of this section unless the contract, purchase, lease, or sale shall be with or for the benefit of the office, board, department, bureau or division with which said officer is directly connected in the performance of his duties and in which he or the office, board, department, bureau or division he represents exercises legis-

lative, administrative or quasi-judicial authority in the letting of or performance under said contract, purchase, lease or sale.

All contracts entered into in violation of this Section shall be void and shall not be enforceable against said City; provided, however, that officers of this municipality may own stock in public utility service corporations and the City permitted to contract for public utility service when the rates for such service are fixed by law or by virtue of the Public Utilities Commission of the State of California; and provided further, that no officer shall be prohibited from purchasing the services of any utility whether publicly or privately owned, whether or not the rates are fixed by law or by the Public Utilities Commission of the State of California; and provided further, that in designating any bank as a depository for the funds of said City, any officer interested as a stockholder or otherwise in such bank shall not be deemed to have an interest in such City contract within the meaning of this section, and in each of the cases enumerated herein such contracts shall be valid and enforceable obligations against the municipality."

PROPOSITION H.

Amend the Charter of The City of San Diego by adding a new section to Article VII thereof, to be numbered Section 103.1, which said section shall read as follows:

"Section 103.1. No person, firm or corporation shall establish and operate works for supplying the inhabitants of The City of San Diego with light, water, power, heat, transportation, telephone service, or other means of communication, or establish and carry on any business within said City which is designed to or does furnish services of a public utility nature to the inhabitants of said City, without the consent of said City manifested by ordinance of the Council. The Council shall have power to provide reasonable terms and conditions under which such businesses may be carried on and conducted within The City of San Diego." Public utilities

PROPOSITION I.

Amend Section 110 of Article VII of the Charter of The City of San Diego to read as follows:

"Section 110. Whenever it is claimed that The City of San Diego is liable to any person because of injuries suffered by such person, either to person or property, because of negligence of the City or its officers, a verified claim for damages shall be presented in writing and filed with the Clerk of The City of San Diego within ninety (90) days after the occurrence giving rise to the claim for damages. Claims against city

Whenever it is claimed that The City of San Diego is obligated to pay money to any person because of contract or by virtue of operation of law, a demand or claim for such money shall be presented in writing and filed with the Auditor and Comptroller of The City of San Diego within ninety (90) days after the last item of the account or claim has accrued.

Each claim for damages because of tort shall specify the name and address of the claimant, the date and place of the accident and the extent of the injuries or damages received

Each claim or demand for money due because of contract or operation of law shall specify the name and address of the claimant, a brief description of the contract or a brief recital of the facts giving rise to the obligation of the City imposed by law.

The time limit of ninety (90) days shall not begin to run against a claimant whose claim or demand for money due is because of operation of law until such claimant shall have actual notice of the existence of such claim."

PROPOSITION J.

Amend Section 113 of Article VII of the Charter of The City of San Diego to read as follows:

City advertising

"Section 113. All official advertising of The City of San Diego shall be done by contract. In July of each odd numbered year the City Clerk must publish a notice in a daily newspaper of said City for ten days calling for proposals to do all of the advertising of said City.

The bidder must be the responsible publisher of a newspaper in said City having a bona fide daily circulation and which has been regularly published in said City for at least two years immediately preceding his bid. The award of said advertising shall in all cases be made to the lowest responsible bidder. The newspaper to which the award of advertising is made shall be known and designated as the 'City Official Newspaper.' 'Official advertising,' within the meaning of this section shall include only such advertising as shall be required to be published by law."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of The City of San Diego with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Seal of said The City of San Diego to be affixed hereto this 1st day of April, 1953.

(SEAL)

JOHN D. BUTLER
Mayor of The City of San Diego, California.
FRED W. SICK
City Clerk of The City of San Diego, California.

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of San Diego as presented to, and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendment to and as a part of the charter of said City of San Diego. Approval

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CHAPTER 107

Senate Concurrent Resolution No. 55—Approving certain amendments to the charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at an election held therein on the twenty-fourth day of March, 1953.

[Filed with Secretary of State, April 20, 1953.]

WHEREAS, The City of Bakersfield, in the County of Kern, State of California, has at all times mentioned herein been and now is a municipal corporation of the State of California, containing a population of more than 3,500 and fewer than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of Congress of the United States, and is now and has been ever since the twentieth day of January, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the fifth day of May, 1914, and approved by the Legislature of the State of California, on the twentieth day of January, 1915; and City of Bakersfield Charter amendments

WHEREAS, On the second day of February, 1953, the legislative body of the City of Bakersfield, to wit: the city council, on its own motion passed a resolution to submit to the electors of said city, at an election to be held March 24, 1953, certain proposed amendments to the city charter of the City of Bakersfield, and immediately thereafter on said second day of February, 1953, the city council of the City of Bakersfield duly and regularly called an election for the purpose of voting on said proposed amendments, to be called and held on the twenty-fourth day of March, 1953, which said date was fixed by the said city council of the City of Bakersfield as the time for voting on said amendments as proposed.

WHEREAS, Said proposed amendments were published on the seventh day of February, 1953, in each edition of the Bakersfield Californian, a newspaper of general circulation printed and published in the City of Bakersfield, and having a general circulation therein, the said paper being the official newspaper of the City of Bakersfield, and said publication was made at the

time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said election was duly called and regularly held on the twenty-fourth day of March, 1953, which said date of the election was not less than 40 nor more than 60 days after the completion of the advertising in said official newspaper of said proposed amendments, and at said election the said proposed amendments to said charter were voted upon by the qualified electors of the City of Bakersfield, and at said election a majority of the qualified electors voting thereon voted in favor of ratifying and did ratify said proposed amendments to said charter, said proposed amendments so ratified being in the words and figures as hereinafter set forth.

Relief and Pension Fund for members of Fire Department.

That Sections (168)4; (169)5; (170)6; subsections (d), (f) and (g) of Section (175)11; subsection (B) of Section (176)12; and subsections (B) and (C) of Section (177)13 of the Charter Amendment to the Charter of the City of Bakersfield, which is known as "Relief and Pension Fund for Members of the Fire Department of the City of Bakersfield" be amended to read as follows:

Section (168) 4.

Disability

Whenever any member of the Fire Department shall become disabled by reason of bodily injuries received in or by reason of sickness caused by the discharge of the duties of such member in such Department and such disability shall continue for one (1) year or shall become so physically or mentally disabled as a result of such injuries or sickness as to render his retirement from active service necessary, the Pension Board shall order and direct that such member be retired from active service and, thereafter, such member so retired shall, during his lifetime, be paid from said pension fund, in equal monthly installments, the retirement allowance as provided in Section 13. Provided, however, that any such retirement allowance shall cease when the member's disability ceases and, in such event, such member shall be restored to the same rank or position which he held at the time of retirement. Provided, further, that the Pension Board shall have the power and authority to hear and determine all matters pertaining to the granting and termination of any such retirement allowance. Said Board shall make its findings in writing, based upon the report or reports of at least three regularly licensed, practicing physicians, and such other evidence concerning such disability as shall be presented to it. One of such physicians shall be the Health Officer of the City of Bakersfield, one shall be selected by the member applying for such retirement allowance and at least one shall be selected by said Pension Board.

Section (169) 5.

Death

Whenever any member shall die either,

(a) As a result of any injury arising out of or sustained by him while in the discharge of his duties as a member of the Fire Department, or

(b) From sickness caused by or resulting from the discharge of his duties as a member of such Department; the death allowance provided in Section 13 (Subsection C—Death Benefit) shall be paid, in equal monthly installments, as follows:

(1) To his widow during her lifetime or until she remarries and, thereafter, to the legally appointed guardian of his child or children until such child or children shall have attained the age of eighteen (18) years or shall have married.

(2) In the event such deceased member shall leave no widow, such death allowance shall be paid to the legally appointed guardian of his child or children until such child or children shall have attained the age of eighteen (18) years or shall have married.

(3) In the event such deceased member shall leave neither widow nor child or children under the age of eighteen (18) years, such retirement allowance shall be paid to his parent or parents or to his sister or brother who, in the order named, was or were either wholly or partially dependent upon him. Such Disability and Retirement Board shall have the power and authority to determine all matters pertaining to such dependency. Provided, however, that should said Board determine that such parent or parents or sister or brother was or were only partially dependent upon such deceased member, then and in that event, only such percentage of such death allowance shall be paid as is equal to the percentage of such dependency as determined by said Board. Provided, further, that said Board may from time to time re-examine into the financial status of any such parent or parents or sister or brother and, should it determine that the same has changed since the death of the member, it shall decrease or terminate the payment of said death allowance in accordance with its determination.

Section (170) 6.

Death allowance to child

In the event that a widow receiving a death allowance fails, neglects or refuses to properly or adequately provide for a dependent child or children of a deceased member, the Pension Board, upon its determination thereof, shall have the power and authority, in its sole discretion, to pay all or any part of such death allowance for the benefit of such dependent child or children in accordance with whatever regulations, requirements or rules it shall promulgate in connection therewith.

Section (175) 11.

Contributions

Contributions

(d) The dependent contributions, which shall be required in the same manner as normal contributions of each member throughout his membership in addition to the normal contributions, shall be such as would be necessary to provide upon the date of his service retirement at fifty-five (55) years of age or upon the completion of twenty (20) years service at an age higher than fifty-five (55) years, when accumulated with interest and applied by actuarial rates and tables and approved by the Retirement Board, for the continuance after his death and throughout the life of a widow, whose age at such date is the

same as the age of said member, of two-thirds (2/3) of the annuity provided by his accumulated normal contributions upon said retirement at fifty-five (55) years of age or at said higher ages. If at the date of retirement for service or retirement for disability, said member has no wife who qualifies for the continuance of an allowance to her after the death of said member, the said dependent contributions, with accumulated interest thereon, shall be paid to him upon said date, or at his option, applied in the same manner as his normal contributions to provide for him an annuity which shall be added to the annuity provided by said normal contributions.

(f) There shall be paid into the Retirement Fund each year by contributions of the City, the amounts as necessary to fund all pensions and other benefits allowable under the Retirement System to members on account of current service. Such amounts required on account of current service, shall be determined by applying a percentage, to be changed only as recommended by the Actuary in the light of periodical investigation and valuation results, to members' earned salary. Said percentage shall be the ratio of the liabilities under the System on account of current service, which are not met by member's contributions, and less the assets derived from the City's current service contributions, to the present value at the date of determination of members' future compensation. After the close of each month the Retirement Board shall determine the aggregate amount of the members' earned compensation during such month and shall determine the City's contribution by applying said percentage, and shall certify the amount of the contribution to the City Auditor, who shall then transfer an equal amount to the Retirement Fund from the budget appropriation or General Fund for the then current fiscal year.

(g) There shall be paid into the Retirement Fund each year by contributions of the City, the amounts necessary to pay all pensions and all other benefits allowable under the Retirement System to members on account of prior service; provided that such prior service liabilities may be met by an annual appropriation, instead of by one appropriation, for such prior liabilities payable that year to a member on retirement, and provided further, that such appropriation for any one fiscal year shall not be less than the amount disbursed during that year on account of prior service. Before the first of each fiscal year the Board shall certify to the City Auditor, City Manager and City Council the amount due within such year to the Retirement Fund under subsections (f) and (g) of this Section 11, and the City Auditor shall transfer an equal amount to the Retirement Fund from the Budget or General Fund during the said fiscal year.

Section (176) 12.

Retirement allowance

(B) Allowance on Service Retirement

A member, upon retirement for service as provided in subsection (A) of this section, shall receive a retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions, excluding his accumulated dependent contributions unless he shall exercise his option as provided in Section 11, subsection (d), at the time of his retirement, and

(b) A pension which, when added to the annuity purchased by his accumulated normal contributions, shall equal the same percentage of his final compensation for each year of current service credited to him, as his normal contributions and the contributions of the City are calculated to provide for him, upon retirement for service at the minimum age provided in subsection (A) of this Section, for each year of such service; and

(c) An additional pension which shall be equal to the same percentage of his final compensation for each year of prior service credited to him, as the sum of his and the City's normal contributions is calculated to provide for him, upon retirement for service at the minimum age provided in subsection (A) of this Section, for each year of service as a member of the System; and provided that, if said member shall have been retired for disability after the effective date of this amendment, and

(d) a second additional pension in such an amount as shall make his retirement allowance equal to the allowance he would have received had he never retired for disability.

(e) Upon the death of a retired member, two-thirds (⅔) of the retirement allowance shall be continued to his widow throughout her life or until she remarries provided, however, that she shall have been married to him at least one (1) year prior to his retirement and is of the same age as said member. If such widow is of a different age than said member, then the retirement allowance which shall be so continued to her shall be the actuarial equivalent of the retirement allowance which would have been continued to her had she been the same age as said member. If there be no such widow or if any such widow shall die, then the allowance which would have been paid to her had she been eligible therefor or had she continued to live, shall be paid to the legally appointed guardian of the child or children of such deceased member until such child or children shall die or shall have attained the age of eighteen (18) years If payment of the allowance shall terminate by reason of the remarriage of the widow or the attainment of the age of eighteen (18) years by such child or children before the total of the monthly payments made shall equal the sum of the member's contributions, with interest thereon, as of the date of his retirement, then an amount equal to the difference between said total and said sum shall be paid in one amount to his remarried widow or, if there be no such widow to his child or children; provided, however, that such amount shall not be paid to any widow who was not married to such member at least one (1) year prior to his retirement.

Section (177) 13.

(B) Allowance on Disability Retirement

Disability allowance

Upon retirement for disability as provided in subsection (A) of this Section, a member,

(a) If his disability shall be determined by the Retirement Board to be the result of injury or illness incurred in the performance of duty, shall receive

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions, excluding his accumulated dependent contributions, unless he shall exercise his option as provided in Section 11, subsection (d), at the time of his retirement; and

(2) A pension which, when added to the annuity purchased by his accumulated normal contributions, shall be equal to a monthly retirement allowance of one-half ($\frac{1}{2}$) of his final compensation.

(b) If his disability shall be determined by the Retirement Board to be not the result of injury or illness incurred in the performance of duty, shall receive

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions, excluding his accumulated dependent contributions, unless he shall exercise his option as provided in Section 11, subsection (d), at the time of his retirement; and

(2) A pension which, when added to the annuity purchased by his accumulated normal contributions, shall make his retirement allowance equal to: one and one-quarter ($1\frac{1}{4}$) per centum of his final compensation multiplied by the number of years credited to him, provided such allowance is at least one-fourth ($\frac{1}{4}$) of his final compensation; or one and one-quarter ($1\frac{1}{4}$) per centum of his final compensation multiplied by the number of years of service credited to him were his service to continue until his attainment of the age of fifty-five (55) years, provided such retirement allowance shall not exceed one-fourth ($\frac{1}{4}$) of such final compensation.

(c) Upon the death of a member who has been retired by reason of disability as a result of injury or illness incurred in the performance of duty, the retirement allowance shall be continued to his widow to whom he was married at least one (1) year prior to his retirement throughout her life or until she remarries. Upon the death of a member who has been retired by reason of disability which is not the result of injury or illness incurred in the performance of duty, two-thirds ($\frac{2}{3}$) of the retirement allowance shall be continued to his widow to whom he was married at least one (1) year prior to his retirement and who is of the same age as said member throughout her life or until she remarries. If such widow is of a different age than said member, then the retirement allowance which shall be so continued to her shall be the actuarial equivalent of the retirement allowance which would have been continued to her had she been the same age as said member. If there be no such widow or if any such widow shall die, then the allowance which would have been paid to her had she survived such member and been eligible therefor or had she continued to live, shall be paid to the legally

appointed guardian of the child or children of such deceased member until such child or children shall die or shall have attained the age of eighteen (18) years. If payment of the allowance shall terminate by reason of the remarriage of the widow or the attainment of the age of eighteen (18) years by such child or children before the total of the monthly payments made shall equal the sum of the member's contributions, with interest thereon, as of the date of his retirement, then an amount equal to the difference between said total and said sum shall be paid in one amount to his remarried widow or, if there be no such widow, to his child or children; provided, however, that such amount shall not be paid to any widow who was not married to such member at least one (1) year prior to his retirement.

(C) Death Benefit

Death benefit

Upon the death of a member before retirement, the Retirement System shall be liable for a death benefit which, if an amount be due under either paragraph (3) or (4) next following, and if there be a surviving wife or surviving children, shall be paid in monthly installments to the surviving wife and children as prescribed herein, otherwise the amounts due under paragraphs (1) and (2) shall be paid as prescribed therein, and such death benefit shall consist of

(1) His accumulated contributions, to be paid in a lump sum, to his widow, or, in the event there be no widow, to his child or children or, in the event there be no widow or child or children to the beneficiary whom he nominates by written designation duly executed and filed with the Retirement Board, and in addition thereto,

(2) An amount equal to his compensation earnable during the six months immediately preceding his death to be paid in a lump sum to his widow or, in the event there be no widow to his child or children or, in the event there be no widow or child or children to his parent or parents whom the Retirement Board shall determine, to have been dependent, in whole or in part, upon such member; and, if the Retirement Board determines such death to be the result of injury or illness incurred while in the performance of duty, in addition thereto,

(3) An amount sufficient, when added to the amount provided in paragraph (1) of this Section to provide an allowance equal to one-half (½) of the member's final compensation, payable as provided in Section (169) 5. If payment of the allowance be terminated because of marriage of the widow or attainment of the age of eighteen (18) years by a child, before the total of the monthly payments made shall equal the sum of the amounts provided in the paragraphs (1) and (2) hereof then an amount equal to the difference between said total and said sum shall be paid in one amount to the married widow, or if there be no such widow, to the child or children of the deceased member. If the Retirement Board determines that death be not the result of injury or illness incurred in the performance of duty, and if said member be qualified for retirement from service under

subsection (A) of Section 13 of this Amendment, then, in addition to the amounts provided in said paragraphs (1) and (2)

(4) An amount sufficient, when added to the amounts provided in said paragraphs (1) and (2), when applied according to rates and tables actuarially recommended and approved by the Retirement Board, to provide an allowance to be paid to the widow to whom said member was married at least one (1) year prior to his death to be equal in amount to the allowance calculated as in subsection (B) of Section 13 of this Amendment, which would have been payable to her if the said member had retired for disability at the time of his death and had died instantly thereafter, and to continue throughout her life or until her remarriage. If there be no such widow or if she die before all surviving children of such deceased member shall have attained the age of eighteen (18) years, then to his child or children until such child or children shall have attained the age of eighteen (18) years. If payment of the allowance be terminated because of marriage of the widow or attainment of the age of eighteen (18) years by such child or children before the total of the monthly payments made shall equal the sum of the amounts provided in paragraphs (1) and (2) hereof, then an amount equal to the difference between said total and said sum shall be paid in one amount to the married widow, or if there be no such widow, to the child or children of the deceased member.

(5) A member or a beneficiary after the death of a member may, by written election duly executed and filed with the Retirement Board, have the death benefit, provided to be paid in a lump sum in this Section, paid in monthly or annual installments subject to such rules and regulations as the said Board may adopt.

That Section 46 of the Charter of the City of Bakersfield entitled Restrictions Upon Officers and Employees, be amended to read as follows:

Restrictions Upon Officers and Employees

Restrictions upon officers and employees

Section 46. No officer, or employee of the City, shall be interested in any transaction or contract made by them in their official capacity, with the city or with any department, board, officer or employee thereof, nor become surety for the performance of any contract or sub-contract made with or for the City, upon any bonds given for the performance thereof to the City, or contractor. No officer or employee shall receive any commission, money or things of value, or derive any profit, benefit or advantage direct or indirect, from or by reason of any dealings with or services for the City by himself or others, except his lawful compensation as such officer or employee. The wilful violation of the provisions of this section shall be a misdemeanor and shall work the forfeiture of such office or employment, and any transaction or contract made in violation of this section shall be void.

That Section 136 of the Charter of the City of Bakersfield entitled Public Work to be Done by Contract, be amended to read as follows:

Public Work to be Done by Contract

Section 136. In the erection, improvement and repair of all public buildings and works, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of fifteen hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for five consecutive days in the official newspaper. Such notice shall state the proposed work to be done or the supplies or materials to be furnished as provided by the Council; provided, however, the Council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done under the direction of the City Manager. In case no bid is received, the Council may likewise provide for the work to be done under the direction of the City Manager. In the event, however, a desired commodity, material, service, or special machine or appliance is required by the City which may not be obtained on a competitive basis, or where during the progress of any public works the need arises for a commodity, material, machine or service, which was not and could not have been reasonably foreseen, and the cost of which does not exceed twenty-five hundred dollars, the City Manager shall have the power, with the approval of the Council, to acquire the same by contract without the necessity of advertising for bids, and to obligate the City therefor. Public works contracts

AND WHEREAS, The Council of the City of Bakersfield, County of Kern, State of California, in accordance with the law in such cases made and provided, did meet at its usual place of meeting, at the time and in the manner provided by law, and duly canvassed the returns of said election as certified by the Election Boards, and duly found, determined and declared that the majority of the qualified electors of said city voting thereon had voted in favor of, and ratified said amendments to the Charter of the City of Bakersfield as hereinabove last set forth, and alleged to have been so ratified; and

WHEREAS, That the foregoing is true is shown by the certificate of Frank Sullivan, Mayor of the City of Bakersfield, and Marian S. Irvin, clerk of said city, whose certificate is in words and figures as follows, to wit: Certificate

STATE OF CALIFORNIA
COUNTY OF KERN
CITY OF BAKERSFIELD } ss.

This is to certify that we, Frank Sullivan, Mayor of the City of Bakersfield, and Marian S. Irvin, Clerk of the City of Bakersfield, have compared the foregoing proposed and ratified amendments to the Charter of the City of Bakersfield with the original proposed amendments submitted to the qualified electors of the

said City of Bakersfield at an election held within the City of Bakersfield on March 24, 1953, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said Charter, and the matters set forth therein are and each of them is true.

IN WITNESS WHEREOF we have hereunto set our hands and caused the corporate seal of the City of Bakersfield to be attached this 6th day of April, 1953.

(SEAL)

FRANK SULLIVAN
Mayor of the City of Bakersfield.
MARIAN S. IRVIN
Clerk of the City of Bakersfield.

AND WHEREAS, The said amendments to the charter of the City of Bakersfield so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate, the Assembly concurring, a majority of all members elected to each house voting for the adoption of this resolution and concurring therein, That the said amendments to the charter of the City of Bakersfield herein set forth as presented and submitted to and ratified and adopted by the qualified electors of the City of Bakersfield, be and the same are hereby adopted as a whole for and as amendments to the said charter of the City of Bakersfield.

CHAPTER 108

Senate Concurrent Resolution No. 58—Relative to a twenty-five cent ($0 25) toll on the Golden Gate Bridge.

[Filed with Secretary of State, April 20, 1953.]

Toll on Golden Gate Bridge

WHEREAS, The great Golden Gate Bridge was constructed through a thirty-five million dollar ($35,000,000) bond issue authorized by the people of the City and County of San Francisco, and the Counties of Marin, Napa, Sonoma, Mendocino, and Del Norte; and

WHEREAS, The Golden Gate Bridge and Highway District was created by the Legislature of this State for the purpose of operating the bridge for the convenience of the public at the lowest possible tolls; and

WHEREAS, The Golden Gate Bridge and Highway District has operated the Golden Gate Bridge as the highway link between San Francisco and Marin County and the Redwood Empire Counties comprising the district and through increased

traffic has accumulated a reserve fund which under the present rates will continue to grow substantially; that the present reserve fund is a protection to the bridge for the lack of insurance that the insurance underwriters will not carry on the bridge and also for emergency purposes for the repair and maintenance of the bridge and future alterations and improvements to the physical properties of the bridge and its approaches; and

WHEREAS, The directors of the bridge, in the absence of a contrary expression from the Legislature or the supervisors of the counties comprising the Golden Gate Bridge and Highway District have understandably pursued a conservative financial policy designed to afford maximum protection to the taxpayers of the district, the bondholders, and other creditors, including the State of California, which has made available the sum of five million dollars ($5,000,000) to the bridge district for the purpose of reducing the Waldo grade; and in pursuance of that policy the directors have been reluctant to reduce their present basic toll of forty cents ($0.40) for each passenger vehicle and occupants; and

WHEREAS, There is considerable variation in the estimates of experts as to the effect of reducing the basic toll from forty cents ($0.40) to twenty-five cents ($0.25), and the only way accurately to determine that effect is to put a twenty-five cent ($0.25) toll in operation on an experimental basis; and

WHEREAS, Since the supervisors of the counties in the district are responsible for the over-all protection of the interests of the taxpayers in the district, it is appropriate that the bridge directors have the assurance of the supervisors that such reduction would meet with their approval; and

WHEREAS, The Legislature believes that a twenty-five cent ($0 25) toll would result in benefits to the residents, commerce, and industry of the district and of the State of California generally, outweighing other considerations; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature respectfully requests the Supervisors of the City and County of San Francisco and the Counties of Marin, Napa, Sonoma, Mendocino, and Del Norte to investigate and determine whether a reduction of basic tolls on the Golden Gate Bridge to twenty-five cents ($0.25) would not be for the benefit of the residents and taxpayers of their respective counties and to advise the Board of Directors of the Golden Gate Bridge and Highway District and the Legislature of their determination, if possible before the next meeting of said directors on April 24th; and be it further

Resolved, That the Legislature respectfully requests the Board of Directors of the Golden Gate Bridge and Highway District, with the approval of the supervisors in the district, to reduce the basic toll for each passenger vehicle and occupants to twenty-five cents ($0.25) for an experimental period of one year beginning July 1, 1953; and be it further

Resolved, That the Secretary of the Senate be directed to send a copy of this resolution to the Boards of Supervisors of the City and County of San Francisco, the Counties of Marin, Napa, Sonoma, Mendocino, and Del Norte, and the Board of Directors of the Golden Gate Bridge and Highway District.

CHAPTER 109

Assembly Concurrent Resolution No. 58—Relative to the election of Assemblyman Gordon R. Hahn to the Los Angeles City Council.

[Filed with Secretary of State, April 22, 1953.]

Gordon R Hahn

WHEREAS, One of our highly esteemed colleagues has just secured a magnificent victory in the primary election campaign in the City of Los Angeles in his contest for the office of city councilman; and

WHEREAS, This gentleman has contributed much to the welfare of the State of California during his years of faithful and intelligent service as a member of this assemblage; and

WHEREAS, The respect with which he is held by the Members of the Legislature is of the highest order; and

WHEREAS, His fearless, forthright, and intelligent approach to legislative considerations pending before him augurs well for his highly valuable service to the good people of the City of Los Angeles; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California does hereby formally extend its heartiest congratulations to Assemblyman Gordon R Hahn upon his election to the Los Angeles City Council; and be it further

Resolved, That the Members of this Legislature extend to Assemblyman Gordon R. Hahn their best wishes for a continued successful career as a public servant; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit suitably prepared copies of this resolution to Assemblyman Gordon R. Hahn.

CHAPTER 110

Assembly Joint Resolution No. 12—Relative to permitting the deduction of certain soil preparation expenditures for farmers and ranchers, in the Internal Revenue Code.

[Filed with Secretary of State, April 23, 1953.]

Federal tax deductions for soil preparation expenditures

WHEREAS, Section 23(a) of the Internal Revenue Code provides that in computing net income there shall be allowed as a deduction all the ordinary and necessary expenses paid or in-

curred during the taxable year in carrying on any trade or business; and

WHEREAS, In the interpretation of such section the Treasury Department has issued Section 23(a)-11 of Regulation 111, which states, in part, that amounts expended in the development of farms, orchards, and ranches prior to the time when the productive state is reached may be regarded as investment of capital; and

WHEREAS, The Commissioner of Internal Revenue has ruled in Mimeograph Letter 6030 that a correct interpretation of such regulation gives the taxpayer the option to capitalize, prior to the time when the productive state is reached, expenditures incurred during the period of development which might otherwise be deductible as current expenses, but it does not permit capital items to be treated as ordinary and necessary business expenses; that typical items which are required to be capitalized, and to which the option does not apply, are such preparatory expenditures as the cost of clearing brush, trees, and stumps; leveling and conditioning land; the cost of trees and the planting of trees; drilling and equipping wells; building irrigation canals and ditches; laying irrigation pipes; installing drain tile or ditches to prevent erosion; straightening creek beds to correct erosion; constructing earthen, masonry, or concrete tanks, reservoirs, dams, or ditches; building roads; and the cost of physical equipment having a life in excess of one year; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Congress of the United States be requested to amend the Internal Revenue Code to provide specifically that ranchers and other farmers have the option either to deduct or to capitalize and depreciate expenditures for brush clearing, soil and water conservation, reseeding, and other expenditures for maintaining the productivity of the land; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the Chairman of the Finance Committee of the Senate, the Chairman of the Ways and Means Committee of the House of Representatives, and to each Senator and Representative from the State of California, in the Congress of the United States.

CHAPTER 111

Assembly Concurrent Resolution No. 65—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the third day of April, 1953.

[Filed with Secretary of State, April 24, 1953.]

City of Long Beach Charter amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter

of the City of Long Beach, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON THE 3RD DAY OF APRIL, 1953, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES, } ss.
CITY OF LONG BEACH.

Certificate

We, Lyman B. Sutter, Mayor of the City of Long Beach, and Margaret L. Heartwell, City Clerk of the City of Long Beach, do hereby certify as follows:

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said City at a special election held therein on the 14th day of April, 1921, and approved by the Legislature of the State of California and filed with the Secretary of State of the State of California on the 26th day of April, 1921, (Statutes of 1921, page 2054); and

That the legislative body of said City, namely, the City Council thereof, did, by motion duly adopted and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Long Beach two (2) amendments to the charter of said City, and ordered that said proposed amendments be submitted to said qualified electors of said City at a special municipal election to be held in said City on the 3rd day of April, 1953; and

That said City Council did, on February 17, 1953, adopt its Resolution No. C-14163, wherein and whereby said City Council requested the Board of Education of the Long Beach Unified School District of the County of Los Angeles to order the consolidation of a special municipal election thereafter to be called and proclaimed by said City Council for the purpose of submitting to said electors such amendments to the charter of said City, with that certain election for members of said Board of Education, to be held on April 3, 1953; and

That said Board of Education did, on February 24, 1953, adopt its order so consolidating such special municipal election with said election for members of said Board; and

That said proposed amendments were thereafter designated as Propositions 1 and 2 and were on February 19, 1953, duly published in the Long Beach Independent and in each edition thereof during said date of publication; and

That said Long Beach Independent was, upon the date of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Long Beach, and was, upon the date of the publication of said proposed amendments, and at all times since has been, and now is, published in said City and said newspaper was, upon the date of the publication of said proposed amendments, and at all times since has been and now is, the official newspaper of said City, and was the newspaper designated by said City Council for the publication of said proposed amendments; and

That said proposed amendments were duly and regularly printed in convenient pamphlet form and, at and during the time and in the manner provided by law, a notice was published in said Long Beach Independent that such copies of said proposed amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendments so printed in convenient pamphlet form were duly and regularly distributed in the manner provided by law; and

That said City Council did, by ordinance designated as Ordinance No. C-3222, order the holding of a special municipal election in said City of Long Beach on the 3rd day of April, 1953, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendments, as aforesaid, and which ordinance was published at least three times in the Long Beach Independent, the official newspaper of the City of Long Beach, ten days prior to the date of said election, to wit: On the 20th, 21st and 23rd days of March, 1953, in the Long Beach Independent, the official newspaper of the City of Long Beach and a newspaper of general circulation and published in said City, and said ordinance was posted in three conspicuous places in the City of Long Beach; and

That in said ordinance, said special municipal election was ordered consolidated with that certain election for members of said Board of Education; and

That said special municipal election was held in said City of Long Beach on the 3rd day of April, 1953, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendments once in the Long Beach Independent, as aforesaid; and

That the City Council did, by resolution adopted on the 21st day of April, 1953, duly declare the results of said special municipal election and did duly find, determine and declare that a majority of the qualified voters of said City of Long Beach voting thereon had voted in favor of and had ratified each of said proposed amendments; and

That at said special municipal election held, as aforesaid, a majority of the qualified voters of said City of Long Beach voting thereon voted in favor of and thereby ratified said proposed charter amendments; and

That said proposed amendments to the charter of the City of Long Beach, so ratified by the voters of said City as aforesaid, are respectively in words and figures as follows, to wit:

PROPOSITION No. 1

That the Charter of the City of Long Beach be amended by amending subsection (19) of Section 228 and Section 229p thereof to read, respectively, as follows:

Harbor Department Divisions, officers, etc

(19) To create divisions of the Harbor Department; to employ and appoint a General Manager and an Assistant General Manager, each of whom shall hold his position during the pleasure of the Board; wherever in this Charter the words "Port Manager" appear, they shall mean "General Manager"; and to employ and appoint such other officers, employees and agents as may be necessary in the efficient and economical carrying out of its functions and to prescribe and fix the duties, authority and compensation of all appointees hereunder, and to require such officers, employees and agents to give a bond in such an amount as the Board may require for the faithful performance of their duties. All offices and places of employment in the permanent service of the Board shall be created by ordinance.

Sec. 229p. All permanent places of employment in and under the Board shall be included in the classified Civil Service of the City of Long Beach, and subject to the provisions of Article XI of this Charter except the General Manager, Assistant General Manager, the Executive Secretary of the Board, the Heads of divisions, the pilots, the Chief Wharfinger, field and traffic representatives and all persons intermittently employed in handling cargo and freight.

PROPOSITION No. 2

That the Charter of the City of Long Beach be amended by repealing Section 49.1 thereof and by amending Section 49 thereof to read as follows:

City officers and employees Eligibility, residence, etc

Sec. 49. Unless expressly provided in this Charter to the contrary, no person shall be eligible for election to any office or appointment to any membership on any Board or Commission of the City of Long Beach unless such person shall have been a bona fide resident of the City of Long Beach, or territory legally annexed thereto, for at least one year next preceding the date of his or her election or appointment, and, on such date, shall be a registered qualified elector of the City.

No person shall be eligible for either election or appointment to any office or to any membership on any commission or board of the city, or for appointment as an assistant, deputy, clerk, attache, or other employee of any officer, commission or board

of the city, or to appointment to any position of employment whatsoever in the service of the city, who, on the date of his or her election or appointment, shall be in litigation against the city.

All officers of the City of Long Beach, whether elective or appointive, and all members of commissions and all members of boards of the city, and all assistants, deputies, clerks, attaches, and other employees of such officers, commissions or boards, and all other employees of the city, except only highly professional or technical assistants employed by the City Council of the city to assist or advise any of the departments of the city, or highly professional or technical assistants employed by a commission or by a board of the city to assist or advise such commission or board, must be bona fide residents of the city and maintain their respective places of abode within the corporate limits of the city at all times during which they hold such office, or are members of any such commission or board, or hold positions as assistants, deputies, clerks, attaches, or other employees of any such officer, commission or board, or hold any position of employment whatsoever in the service of the city; and the term "places of abode," as used herein, shall mean not only the legal or technical residence or domicile, but also actual abode in fact.

Any officer, member of a commission or member of a board of the city, or any assistant, deputy, clerk, attache, or other employee of any such officer, commission or board, or any employee of the city, upon his or her failure to comply with and abide by the requirements as to residence and place of abode as hereinbefore set forth, shall be thereby immediately disqualified from holding such office, membership, position or employment, and the tenure of such officer in such office, the membership of such member on such commission or board, the employment of such assistant, deputy, clerk, attache, or employee, as the case may be, shall be thereby immediately terminated.

That the foregoing is a full, true and correct copy of said proposed amendments to the charter of the City of Long Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Long Beach

IN WITNESS WHEREOF, Lyman B. Sutter, Mayor, as aforesaid, and Margaret L. Heartwell, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed on this 21st day of April, 1953.

LYMAN B. SUTTER
(SEAL) Mayor of the City of Long Beach
MARGARET L. HEARTWELL
City Clerk of the City of Long Beach

WHEREAS, Said proposed amendments to the charter of the City of Long Beach, ratified by the electors of said city, as aforesaid, have been, and are now, submitted to the Legislature of the State of California, for approval or rejection without power

of alteration or amendment, in accordance with Section 8, Article XI, of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Long Beach, as proposed to, adopted and ratified by the qualified electors of said City of Long Beach, as hereinabove fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to and as parts of the charter of the City of Long Beach.

CHAPTER 112

Assembly Concurrent Resolution No. 66—Relative to approving amendments to the charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a general and special municipal election held therein on the fourteenth day of April, 1953.

[Filed with Secretary of State, April 24, 1953.]

City of Glendale Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments hereinafter set forth to the charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF GLENDALE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF GLENDALE

Certificate

We, Paul L. Burkhard, Mayor of the City of Glendale, and G. E. Chapman, City Clerk and ex-officio Clerk of The Council of the City of Glendale, do hereby certify and declare as follows:

That the City of Glendale, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That the City of Glendale is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of the City at a

special municipal election held for that purpose on the 29th day of March, 1921, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 11th day of May, 1921 (Assembly Concurrent Resolution No. 30, Chapter 71, Statutes 1921, p. 2205).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, The Council of the City of Glendale, being the legislative body of the City, on its own motion, by Resolution No. 10,456 adopted on the 8th day of January, 1953, duly and regularly submitted to the qualified electors of the City six proposals for the amendment of the Charter of the City which were designated as Charter Amendments Nos. 1, 2, 3, 4, 5 and 6, and The Council ordered that the proposed charter amendments be submitted to the qualified electors of the City at a special municipal election to be held in the City on the 14th day of April, 1953, which date was fixed in the resolution as the date for holding the special municipal election.

That on the 2nd day of March, 1953, the proposed charter amendments were published and advertised in accordance with Section 8, Article XI of the Constitution, in the Glendale News-Press, the official newspaper of the City and a newspaper of general circulation therein, and in each edition thereof during the day of publication.

That copies of the proposed charter amendments were printed in convenient pamphlet form in type of not less than ten-point, and were mailed to each of the qualified electors of the City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from March 2, 1953, to and including April 14, 1953; and a notice was advertised and published on and from March 5, 1953 until April 14, 1953, in the Glendale News-Press, a newspaper of general circulation in the City, that copies thereof might be had at the office of the City Clerk of the City upon application therefor.

That The Council of the City did, by ordinance designated as Ordinance No 2608, which was duly passed on March 12, 1953, order the holding of a general and a special municipal election in the City of Glendale on the 14th day of April, 1953, which date was not less than forty days, and not more than sixty days after the completion of the publication of the proposed charter amendments as aforesaid, which said ordinance was published once a week for two weeks prior to the time for the holding of said election, to wit: on March 31, 1953, and April 7, 1953, pursuant to the provisions of the Charter of the City of Glendale, in the Glendale News-Press; and The Council of the City did by the ordinance order the special municipal election consolidated with the General Municipal Election to be held in the City on the 14th day of April, 1953.

That the special municipal election was held in the City of Glendale on the 14th day of April, 1953, which day was not less than forty days, and not more than sixty days after the pro-

posed amendments to said Charter had been published once in the Glendale News-Press.

That thereafter The Council of the City of Glendale did in the manner provided by law duly and regularly canvass the returns of the special municipal election and did, by resolution adopted on April 20, 1953, duly declare the results of the special municipal election as determined from the canvass of the returns thereof.

That at the special municipal election, Charter Amendments Nos. 3, 4, 5 and 6 were ratified by a majority of the electors of the City voting thereon.

That the four charter amendments so ratified by the electors of the City of Glendale are in words and figures as follows:

Charter Amendment No. 3

The Charter of the City of Glendale is amended by repealing subdivision 2 of Section 1 of Article IX, and adding Section 4 to Article IV and amending Section 3 of Article XXI to read:

Appointments and removals

"(Article IV) Section 4. The City Manager shall appoint and remove, subject to the Civil Service provisions of this Charter, all division heads of the City, except as otherwise provided by this Charter, such appointments and removals to be subject to the approval of The Council. Division heads shall appoint and remove, subject to the Civil Service provisions of this Charter, all of their subordinate officers, assistants, deputies, clerks, and employees, except as otherwise provided by this Charter, such appointments and removals to be subject to the approval of the City Manager.

City Engineer ex officio street superintendent

"(Article XXI) Section 3. The City Engineer shall be ex-officio street superintendent and as such shall have the general care and supervision of streets and of the maintenance and repair thereof and the care of and custody of tools and implements belonging to the City of Glendale and used for street construction and repair."

Charter Amendment No. 4

Section 15 of Article XXIII of the Charter of the City of Glendale is amended to read:

Public inspection of books, etc.

"(Article XXIII) Section 15. All books and records of every office and department shall be open to the inspection of any citizens during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office; but the records of the Police Department shall not be subject to such inspection except by permission of the proper police authorities. The Council may, by ordinance, prohibit the inspection of tax returns and tax investigation records which disclose the amount or source of income, profits, losses or expenditures of any taxpayer or person required to file a return."

CHARTER AMENDMENT No. 5

Article VII of the Charter of the City of Glendale is repealed, and Section 1 of Article IV, subsection 5 of Section 5 of Article VI, and Section 7 of Article XXIV are amended to read:

"(Article IV) Section 1. The officers of the City of Glendale shall be five members of The Council, a City Assessor, a City Tax Collector, a City Manager, a City Controller, a City Clerk, a City Treasurer, a City Attorney, a City Engineer, a Street Superintendent, a Superintendent of Buildings, a Chief of Police, a Fire Chief, and a Health Officer. The Council may also provide by ordinance for additional offices and for the duties thereof, and for additional duties of offices herein provided for, but in no such manner as to encroach upon the duties of any officer as provided for by this charter. The Council may also provide by ordinance for such subordinate officers, assistants, deputies, clerks, and employees in the several offices and departments as they deem necessary. The members of The Council, the members of the Board of Education, the City Treasurer and the City Clerk shall be elected from the City at large, as provided in this charter; provided, however, that all qualified electors of the Glendale City School District shall also have the right to vote for members of the Board of Education. All other officers, assistants, deputies, clerks and employees shall be appointed as provided in this charter, or as The Council may provide by ordinance in case no provision for their appointment is herein made, and shall hold their respective offices or positions at the pleasure of the appointing power. Where the appointment of any of said officers, assistants, deputies, clerks or employees, is vested in The Council or any Commission, such appointment and any removal must be made by a three-fifths vote of the members of the appointing power.

City officers and employees

"(Section 5, Article VI) 5. Appoint a City Assessor, which office may be combined with that of the City Clerk, a City Tax Collector, a City Attorney, and City Manager.

"(Article XXIV) Section 7. Unclassified and Classified Service. The provisions of this article shall apply to all positions now existing or hereafter created, except those in the unclassified service.

"The unclassified service shall consist of the following offices and employments:

Unclassified service

All officers elected by the people.

All members of appointive boards and commissions, and persons serving without compensation.

The Chief Examiner of the Civil Service Commission.

The City Assessor.

The City Manager.

The Assistant City Manager.

The Secretary of the City Manager.

The City Tax Collector.

The City Health Officer.

One Secretary of any officer elected by the people.

The City Physician.

Special officers of the Police and Fire Departments.

Positions in any unskilled labor class or grade created for a special or temporary purpose and which do not exist for a period of longer than thirty days; provided that the Commission may, upon application of the appointing agency and after public notice and hearing, by the affirmative vote of all its members, exempt any position in any unskilled labor class or grade for such period of time as it may determine; and provided further, that any such exemption shall not affect the tenure of any person whose appointment has become complete under this article.

Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character."

CHARTER AMENDMENT No. 6

Section 3 of Article XI of the Charter of the City of Glendale is amended to read:

Demands against city

"(Article XI) Section 3. Presentation of Demands: All demands against the City shall, before being paid, be presented to and approved by the proper Commission or Officer, as herein provided. Demands for which no appropriation has been made shall be presented to The Council; and all other demands shall be presented to the City Manager; provided that any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to The Council, and the approval of such demand by The Council shall have the same effect as its approval by the City Manager; and provided further, that if The Council shall provide for a Park, Playground and Recreation Center Commission, a Social Service Commission, or a City Planning Commission, it may make provision for the presentation to and approval by any such Commission of demands for liabilities incurred by it. The Council may provide for a revolving petty cash fund of not more than Two Hundred Fifty Dollars ($250.00), to be paid to the City Manager and used by him for payment in cash, of expenditures provided for in the budgets that cannot conveniently be paid otherwise. He shall account to The Council for all payments by him out of said fund when making demand for the replenishment of the same, and at such other times as The Council may require, and they shall thereupon be charged against the proper appropriations."

We further certify that we have compared the text of the foregoing charter amendments with the original proposals submitting the same to the electors of the City and find that the foregoing is a full, true, correct and exact copy thereof. That as to said charter amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and have caused the corporate seal of the City of Glendale to be affixed hereto, this 20th day of April, 1953.

PAUL L. BURKHARD
(SEAL) Mayor of the City of Glendale
G. E. CHAPMAN
City Clerk of the City of Glendale

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Glendale as presented to, and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of the City of Glendale. Approval

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CHAPTER 113

Assembly Joint Resolution No. 25—Relative to memorializing the Congress of the United States in relation to the protection of parity prices for agricultural commodities.

[Filed with Secretary of State, April 27, 1953.]

WHEREAS, The economic structure of the agricultural industry of the United States depends in large part upon the system of guaranteeing to the producers of agricultural commodities "parity prices" which are designed to keep the purchasing power of such producers on a level comparable to that of persons in other industries and occupations; and "Parity Price Protection Act"

WHEREAS, The successful operation of the parity price provisions is a prerequisite to a sound economy affecting the entire United States; and

WHEREAS, The importation into the United States of products of a kind covered by the parity price provisions at prices less than the parity prices fixed for those products threatens to undermine the parity price structure and endanger the entire economy of the Country; and

WHEREAS, The harmful effects of importing products of a kind which are subject to parity price regulations at less than the parity price may be overcome by simply establishing an import duty on such imported products which will bring the

ultimate cost thereof into proper relation to the parity prices; and

WHEREAS, There is now a movement in the Congress of the United States to enact a "Parity Price Protection Act" which will provide for tariff duties on agricultural commodities of kinds which are subject to parity price regulations which are imported at prices less than the parity prices in order to equalize the prices at which the domestic and imported products may be sold; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to take such steps as may be necessary to enact a parity price protection law imposing import duties on agricultural commodities of a kind subject to parity price regulations in such amounts as will equalize the ultimate cost of such products with the parity price for domestic products of the same kind; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 114

Senate Joint Resolution No. 28—Relative to the leasing of restricted Indian lands in the State of California.

[Filed with Secretary of State, April 30, 1953.]

Indian land leases

WHEREAS, There are within the State of California more than 611,000 acres of restricted lands known as Indian reservations, rancherias, and allotments, located in many parts of the State which are controlled and managed by the Federal Government, and a portion of such land could and would be greatly increased in value to the Indian possessors by an act of Congress to authorize leasing such lands for a period of more than five (5) years; and

WHEREAS, Persons who are financially able to pay Indians a substantial annual rental, to plant and care for and harvest highly specialized crops, such as grapes, requiring four years to produce, and dates, which require eight years of laborious, painstaking care to bring them to the stage of production, to erect buildings and to make other improvements, will not invest their capital with a lease limited to five (5) years; and

WHEREAS, In many instances valuable restricted Indian lands produce but little or nothing and the Indian possessors continue to be handicapped and poverty stricken, and an example of the inequity and handicap resulting from the existing federal law is evidenced at Palm Springs where Indian Avenue,

a paved street, separates the restricted land of the Indians from the lands of the City of Palm Springs. On the city side of the avenue, under the laws of the State of California, the lands may be leased for as long as 99 years, while on the reservation side of this same avenue the Indians are limited to leases not to exceed five (5) years for lands equally valuable; and

WHEREAS, Congressman John Phillips has pending in Congress remedial legislation, H.R. 2976 "To authorize the leasing of restricted Indian lands in the State of California for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases"; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby memorializes Congress to enact H.R. 2976; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, to the Commissioner of Indian Affairs, to the Chairman of the Senate Committee on Interior and Insular Affairs, to the Chairman of the House Committee on Interior and Insular Affairs, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 115

Senate Joint Resolution No. 29—Relating to the welfare of the Indians of California.

[Filed with Secretary of State, April 30, 1953.]

Remedial legislation for Indians

WHEREAS, Remedial congressional legislation is urgently needed for the benefit of the Indians of California on several subjects, some of which are now before Congress represented by bills and other bills are being drafted which deal with the following subjects:

A bill, H.R. 1063, by Congressman Poulson "To amend title 18 United States Code entitled 'crimes and criminal procedure,' with respect to state jurisdiction over offenses committed by or against Indians in the Indian country, and to confer on the State of California civil jurisdiction over Indians in the State."

A bill, H.R. 2974, by Congressman Phillips "To add to the revised roll of Indians of California certain Indians who made application for enrollment within the time fixed by law, and for other purposes."

A bill, H.R. 2976, by Congressman Phillips "To authorize leasing of restricted Indian lands in the State of California for public religious, educational, recreational, residential, business, and for other purposes requiring the grant of long-term leases."

A bill, "To facilitate termination of federal supervision over Indian affairs in California."

A bill, "To authorize traveling expenses and pay to delegates representing Indians of California from funds in the treasury of the United States to the credit of the Indians of California"; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby memorializes the Congress of the United States to enact remedial legislation for the purposes herein enumerated; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, to the Commissioner of Indian Affairs, to the Chairman of the Senate Committee on Interior and Insular Affairs, to the Chairman of the House Committee on Interior and Insular Affairs, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 116

Senate Concurrent Resolution No. 51—Relative to the trapping of condors.

[Filed with Secretary of State, April 30, 1953.]

Condor trapping permits

WHEREAS, Recent action by the California Fish and Game Commission in approving the issuance to the San Diego Zoological Society of a permit to take one pair of condors for propagation purposes has aroused apprehension on the part of some conservation groups that such action may lead to similar applications by other zoological societies; and

WHEREAS, The permit approved by the commission and issued by the department stipulates that other zoological societies and zoos would be supplied with any young birds which may result from the breeding of the California condors, and it was understood that only one such permit would be issued; and

WHEREAS, The permit was issued for a limited time only upon the assurance of the San Diego Zoological Society that the birds would not be disturbed and that no trapping would be attempted during the nesting time; and

WHEREAS, The conservation of the California condor is considered of paramount interest to all conservationists and nature lovers of this State, as well as of the Nation; and

WHEREAS, It is feared that the issuance of such permits would be inimical to the future of this rare bird; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Fish and Game Commission and the Department of Fish and Game be instructed to issue no additional permits to trap condors; and be it further

Resolved, That the Secretary of the Senate send copies of this resolution to the Fish and Game Commission and to the Department of Fish and Game.

CHAPTER 117

Senate Concurrent Resolution No. 59—Relative to the observance of Public Schools Week.

[Filed with Secretary of State, April 30, 1953.]

WHEREAS, Our forefathers in their wisdom at the time of the Constitutional Convention, held in Monterey 1849, provided for the establishment of a Public School System in Article IX of that historic document; and Public Schools Week

WHEREAS, The public school in the United States has always been a living symbol of our life since earliest Colonial times; and

WHEREAS, Public education has been recognized since pioneer times as an imperative preparation for the responsibilities of citizenship in our free and democratic Country; and

WHEREAS, The complexity of local, state, national and international responsibilities of citizenship make grave demands today on our people; and

WHEREAS, The thirty-fourth annual Public Schools Week which will be held April 27th to May 2d will be presented for the purpose of bringing the public and the schools into a closer understanding of the functions and problems of the schools today; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That this Legislature does hereby endorse the purposes of Public Schools Week and urges on our citizens the visiting of one or more schools during the week of April 27th to May 2d for the purpose of seeing what the schools are doing in preparing our youth for the responsibilities of intelligent and useful citizenship.

CHAPTER 118

Assembly Concurrent Resolution No. 49—Relative to acquisition of the Central Valley Project by the State.

[Filed with Secretary of State, May 1, 1953.]

WHEREAS, In 1952, the Legislature appropriated ten million dollars ($10,000,000) to the Water Project Authority to conduct surveys and studies preliminary to acquisition or operation by the State of the Central Valley Project; and Central Valley survey

WHEREAS, The Legislature, through its committees, has continued to study the problems incident to such acquisition or

operation concurrently with the activities of the Water Project Authority; and

WHEREAS, The subcommittee of the Assembly Committee on Conservation, Planning, and Public Works has recognized that a complete management survey is essential to the proper consideration of the problems involved in the proposed acquisition or operation and recommended that such a survey be made in order to assist both the Water Project Authority and the legislative committee in their deliberations; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature concurs with the above recommendation of the subcommittee of the Assembly Committee on Conservation, Planning, and Public Works; and be it further

Resolved, That the Water Project Authority is requested to make a complete management survey in connection with the proposed state acquisition or operation of the Central Valley Project and report thereon to the Joint Committee on Water Problems not later than July 31, 1953; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Water Project Authority.

CHAPTER 119

Senate Concurrent Resolution No. 65—Relative to the passing of the Honorable Arthur H. Breed, Sr.

[Filed with Secretary of State, May 5, 1953.]

Death of Arthur H Breed, Sr

WHEREAS, The Members of the California Legislature and other Californians throughout the length and breadth of the State were grieved and shocked to learn that on the morning of this, the twenty-eighth day of April, 1953, the Honorable Arthur H. Breed, Sr., departed this life; and

WHEREAS, The Honorable Arthur H. Breed, Sr., was born in San Francisco, November 27, 1865, was educated in the public schools, became a resident of Alameda County and served for eight years as Auditor and Assessor of the City of Oakland, following which he was elected to the Senate of the State of California in 1912, and was re-elected to that office for 22 years, and

WHEREAS, In 1917, the Honorable Arthur H. Breed was elected to the Office of President pro Tempore of the Senate and was repeatedly honored by his colleagues in the Senate by being re-elected to that office for 18 years, until the time of his voluntary withdrawal from the Senate, which exceptional tenure in the Office of President pro Tempore has never been equaled in the history of the State of California and in but few of the other states of the Union, in addition to which Senator Breed was

distinguished as a pioneer in state highway construction, the author of the California Vehicle Act, the Gasoline Tax Act and many other important and constructive pieces of legislation, and

WHEREAS, The Honorable Arthur H. Breed, in addition to his distinguished career as a legislator was an outstanding civic leader and community builder, a man of forthright honesty and great dignity tempered by an unfailing loyalty to his friends and a kindliness toward all with whom he dealt; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring, That the Legislature realizes that in the passing of the Honorable Arthur H. Breed a truly great man has gone from among us, and one whose endowment as a leader was in a degree meted out to but few men, and, therefore, the Legislature deeply mourns the passing of this distinguished statesman and desires by this resolution to convey its sense of loss to the bereaved members of his family, particularly to its esteemed fellow member, Senator Arthur H. Breed, Jr.; and, be it further

Resolved, That when the Legislature shall adjourn from its labors of this twenty-eighth day of April, 1953, it shall do so in recognition of his demise; and, be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to have prepared copies of this resolution, and to forward them to Horace H. Breed, Donald A. Breed, Florence Breed Robinson, and Arthur H. Breed, Jr., sons and daughter of the Honorable Arthur H. Breed, Sr.

CHAPTER 120

Assembly Concurrent Resolution No. 68—Approving amendments to the charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fourteenth day of April, 1953.

[Filed with Secretary of State, May 6, 1953.]

City of Richmond Charter amendments

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF RICHMOND, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA } ss.
CITY OF RICHMOND

Certificate

We, the undersigned, Gust J. Allyn, Mayor of the City of Richmond, and John DeRoy, City Clerk of the City of Richmond, do hereby certify and declare as follows:

That the City of Richmond, County of Contra Costa, State of California, is a City containing a population of more than fifty thousand (50,000) inhabitants, and ever since the year 1909 has been, and is now, organized and existing under and pursuant to the provisions of a freeholders charter adopted in accordance with and by virtue of the provisions of Article XI, Section 8, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at the general election held on the 9th day of February, 1909, in the manner, form and substance as required by law, and was thereafter duly approved by the Assembly of the State of California, the Senate concurring, and filed with the Secretary of State on the 4th day of March, 1909;

That the Council of the City of Richmond, being the legislative body of said City, pursuant to Section 8 of Article XI of the Constitution of the State of California, on its own motion by official action taken February 24, 1953, called a Special Municipal Election in the City of Richmond for the purpose of submitting to the qualified electors of said City a certain proposal to amend Articles III, IV, IX and XIII of the Charter of said City, and to be voted upon by said qualified electors at said Special Municipal Election, to be consolidated with the Municipal Primary Election called and held for that purpose in the City of Richmond on Tuesday, April 14, 1953 as set forth in Resolution No. 5439, duly passed and adopted on February 9, 1953.

That in accordance with the said provisions of the Constitution of the State of California, a petition signed by more than fifteen per cent (15%) of the registered electors of said City was duly and regularly filed, proposing a certain amendment to the Charter of said City; that the signatures upon said petition were thereafter duly verified according to law, and the said proposal for amendment of the said Charter was ordered to be submitted to the electors of said City at the Primary Municipal Election called for in said City on the 14th day of April, 1953 by Resolution No. 5439, duly and regularly adopted by said City Council.

That the City Council of the City of Richmond did, on the above mentioned date, instruct the City Clerk to present said Amendment to the Charter of the City of Richmond to the qualified electors of said City by consolidating said Special Election

with the Municipal Primary Election to be held April 14, 1953, and further instructed that in accordance with Article V, Section 6, of said Charter of the City of Richmond the City Clerk also open and canvass the returns of said election and declare the results thereof to the Council of the City of Richmond.

That said proposed Charter amendment was published and advertised in accordance with Section 8, Article XI of the Constitution of the State of California, in the Richmond Independent, a daily newspaper of general circulation, printed, published and circulated in said City of Richmond. That copies of said proposed Amendment were printed in convenient pamphlet form, and until the day fixed for said election as required by law a Notice was advertised and published in said Richmond Independent that such copies could be had upon application therefor at the Office of the City Clerk of the City of Richmond. That such copies could be had upon application therefor at the Office of the City Clerk of the City of Richmond until the date fixed for said election.

That the City Clerk of the City of Richmond did, in accordance with Article V, Section 6, of the Charter of the City of Richmond, on the 17th day of April, 1953, canvass the votes cast on said proposition at said Special Election consolidated with the Municipal Primary Election held on April 14, 1953, and transmitted the results thereof to the Council of the City of Richmond, and the said Council of the City of Richmond did, on the 20th day of April, 1953, by Resolution No. 5505, duly declare and certify the result of said primary municipal election as determined from the canvass of the returns thereof.

That at said primary municipal election, a majority of the qualified electors voting on said proposal to amend the Charter of the City of Richmond voted in favor of said amendment hereinafter set out, and the said City Council of said City did by said Resolution No. 5505 find, determine and declare that the said proposed amendment to the Charter of the City of Richmond was ratified by a majority of the qualified electors of said City voting thereon.

That said amendment to the Charter so ratified by the qualified electors of the City of Richmond at said primary municipal election is in words and figures as follows:

PROPOSAL No. 1. Amend Section 9 and add subsections 9(a), 9(b), 9(c), 9(d), Article III; Delete Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and substitute new Section 1, 2, 3, 4, Article IV; Amend Article IX by adding thereto new Section 9; Amend Section 4, Article XIII of the Charter of the City of Richmond to read as follows:

Article III
The Council

Sec. 9. The Council shall appoint or provide for the appointment of a Clerk, Attorney, and City Manager. Appointment, etc., of city officers

Sec. 9 (a) After obtaining and considering the recommendations of the City Manager, the Council shall provide by ordinance or resolution, not inconsistent with this Charter, for the powers and duties of all officers and employees of the City.

Where the positions are not incompatible, the Council may separate or it may combine in one person the powers and duties of two (2) or more offices except the office of Police Chief and the office of Fire Chief. No office provided herein to be filled by appointment by the City Manager may be combined with an office provided herein to be filled by appointment by the Council.

Sec. 9 (b) The officers of the City of Richmond shall consist of a City Manager, Attorney, Clerk and their deputies. The City Manager, Clerk and Attorney shall be appointed by and may be removed by the affirmative votes of five (5) members of the Council.

Sec. 9 (c) Subject to other provisions of this Charter Amendment, all persons holding permanent appointments as department heads at the time of the enactment hereof are hereby appointed to fill such positions.

Annual audit

Sec. 9 (d) The Council shall provide for an annual audit of all accounts and books of all the departments of the City by an independent certified public accountant who is in no way connected with the City by a contract for a period not to exceed three (3) years. Such contract shall be in accordance with specifications recommended and submitted to the Council by the City Manager.

Article IV
Duties of Officers

Duties City manager

Section 1. City Manager. (a) The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the City or State, but during his tenure of office he shall reside within the City.

(b) The City Manager shall be the chief executive officer and the head of the administrative branch of the City Government. He shall be responsible to the Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he shall have power and shall be required to:

(1) Appoint and, when necessary for the good of the service, remove all department heads and employees of the City except as otherwise provided by the provisions pertaining to Personnel Administration of this Charter and except as he may authorize the head of a department to appoint and remove subordinates in such department;

(2) Prepare the budget annually and submit it to the Council and be responsible for its administration after adoption;

(3) Prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;

(4) Keep the Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable;

(5) Perform such other duties as may be prescribed by this Charter or required of him by the Council, not inconsistent with this Charter.

(c) To perform his duties during his temporary absence or disability, subject to the approval of the Council, the Manager may designate by letter filed with the City Clerk a qualified administrative officer of the City. In the event of failure of the Manager to make such designation, the Council may by resolution appoint a department head of the City to perform the duties of the Manager until he shall return or his disability shall cease.

Sec. 2. Clerk. It shall be the duty of the Clerk to keep a true record of the proceedings of the Council and record the same in proper books kept for that purpose. He shall have power to administer oaths in connection with all matters relating to the municipality. Clerk

Sec. 3. Attorney. The Attorney shall act as the legal advisor of the Council and any officer of the City who requests his advice. He shall prepare all ordinances and contracts whenever required so to do by the Council. He shall prosecute all violators of the City ordinances and shall represent the City in all actions. Attorney

Sec. 4. The Council may require any or all of the above officers to give official bonds in such sums as it may deem proper, and the City shall pay all premiums upon surety bonds when such bonds are given. It may provide for the appointment of such deputies and assistants as may be required, and shall fix the compensation of all officers and such deputies and assistants. All of the above officers shall perform such other services as the Council may require and serve during its pleasure. Officers' bonds

Article IX
Miscellaneous

Sec. 9. If any article, section, subsection, paragraph, sentence, clause, phrase or description contained in this Charter and any Amendments hereto shall for any reason be held invalid or unconstitutional, such holding shall not affect the validity or constitutionality of the remaining portions of this Charter and Amendments hereto. Constitutionality

Article XIII
(Added by election, November 7, 1950)
Personnel Administration

Sec. 3. Definition of Classified Service:

The service of the City shall be divided into the Classified and Exempt Service. Classified and exempt service

(a) The Exempt Service shall comprise the following officers and positions:

1. All officers elected by the people.
2. All members of the several boards.
3. The City Manager and one position in the office of the City Manager whose salary and qualifications shall be set in the same manner as classified positions.
4. The Clerk.
5. The City Attorney and his legal assistants.
6. All Municipal Judges.
7. Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character.

(b) The Classified Service shall comprise all positions not specifically included in the Exempt Service.

(c) The employees of independent Boards and Commissions set up by the City Council may participate in the municipal personnel system upon application in writing of the governing board. Upon receipt of written application to be admitted to the system, the Personnel Board shall direct the Personnel Director to assist the department in drawing up an appropriate personnel classification and pay plan according to the terms of the Article and the rules of the Personnel Board. Upon adoption of the classification plan by the applying Board the employees in the classified service in the department shall be subject to the same rules, regulations and privileges as the other municipal employees and the governing board of the department shall thereafter stand in the same relation to the Personnel Board as a department head in the selection, hiring, removal, or discipline of employees.

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Richmond with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full and true, correct and exact copy of said amendment.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Richmond to be affixed hereto this 24th day of April, 1953.

GUST J. ALLYN
(SEAL) Mayor of the City of Richmond
Attest:

JOHN DEROY
Clerk of the City of Richmond

WHEREAS, Said proposed amendment so ratified as hereinbefore set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Richmond as submitted to, and adopted and ratified by the qualified electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as part of the charter of the said City of Richmond. Approval

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CHAPTER 121

Senate Concurrent Resolution No. 60—Relative to congratulating the San Francisco Chronicle and its political editor, Earl C. Behrens, for winning the American Heritage Foundation award.

[Filed with Secretary of State, May 7, 1953.]

WHEREAS, The San Francisco Chronicle won an American Heritage Foundation award for "A Political Primer for Americans," published March 10, 1952, which was considered the most effective special supplement published by a newspaper in support of the "get-out-the-vote" campaign; and San Francisco Chronicle and Earl C Behrens

WHEREAS, This prize winning supplement was ably edited by the distinguished Earl C. Behrens, Chronicle political editor; and

WHEREAS, This award is but a further acknowledgment of the highest ethics in the profession of journalism, the sound and courageous editorial policy, the accurate and impartial reporting, and the sincere and abiding concern for the welfare of its community, its State, and its Nation, consistently displayed by the San Francisco Chronicle and Earl C. Behrens; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That this Legislature commends the San Francisco Chronicle and its eminent political editor, Earl C. Behrens, for their splendid contribution to the cause of good citizenship, and heartily congratulates them for winning the esteemed American Heritage Foundation award; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to forward suitably prepared copies of this resolution to the Publisher of the San Francisco Chronicle and to Mr. Earl C. Behrens.

CHAPTER 122

Senate Concurrent Resolution No. 62—Relative to increased share for the Pacific Coast in the federally financed shipbuilding and ship repair program.

[Filed with Secretary of State, May 8, 1953.]

WHEREAS, Under a directive from United States Budget Director Joseph M. Dodge, the Federal Government has re- West Coast shipyards

quired shipbuilding and ship repair contracts hereafter to be awarded on the basis of the lowest dollars-and-cents bid, instead of regionally, with the exception that Pacific Coast shipyards will be given a preference on some of the smaller ship repair jobs; and

WHEREAS, The Navy Department has adopted a new formula for computing the estimated differential cost in moving a ship from the West Coast to the East Coast and back, which formula is much lower than the present one and therefore gives the eastern yards an added competitive advantage in obtaining ship repair contracts; and

WHEREAS, Since the remoteness of the West Coast from the big steel producing centers results in a somewhat higher pattern of material costs in this area, the combination of the directive and the new formula in effect destroys West Coast shipbuilding as a major industry; and

WHEREAS, For the past few years shipbuilding and repair jobs have been regularly diverted to the East, and West Coast yards have been systematically ignored; and

WHEREAS, It has been pointed out that in spite of repeated protests by a committee of the California Congressional Delegation, the policies of the Department of the Navy in providing for the repair and conversion of ships tend to discriminate against government and private shipbuilding and repair facilities located on the West Coast and to favor those located on the East Coast; and

WHEREAS, During the year 1952, the Department of the Navy diverted two heavy cruisers, the "Boston" and "Canberra," and an Essex type carrier, the "Ticonderoga," from the Puget Sound Naval Shipyard moth ball fleet, to East Coast shipyards for major conversion work. The total value of the work on these three major vessels would approximate two hundred fifty million dollars ($250,000,000); work that in the interests of economical operation should have been performed on the Pacific Coast; and

WHEREAS, In response to the protests at the loss of such a huge volume of work, the Department of the Navy recently announced a so-called "new policy" affecting ship repair and conversion on the Pacific Coast; and

WHEREAS, This so-called "new policy" in no material way affects the long declared policy and action of the Navy Department in concentrating practically all new naval ship construction in East Coast shipyards; and the diversion of hundreds of millions of dollars in ship conversion work on major types of naval vessels from Pacific Coast naval and private shipyards, to shipyards on the East Coast; and

WHEREAS, It is sound public policy to encourage and maintain widespread facilities for the repair and conversion of naval craft on the West Coast, in order that the dispersal of these facilities will create maximum protection in the event of any emergency requiring increased use of these facilities; and

WHEREAS, The maintenance and availability of such facilities on the West Coast depend in a large measure upon work being provided by the Department of the Navy at all times in order to prevent substantial loss and closing down of yard facilities, both private and public; and

WHEREAS, The policies of the Department of the Navy are resulting in the elimination of major private shipbuilding on the entire Pacific Coast, and are having serious repercussions upon the development and maintenance of government navy yards and naval facilities in the same area, the result of which is creating a serious hazard in preparation for national defense; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California respectfully memorializes the President of the United States, the Secretary of the Navy, and the Director of the Bureau of the Budget to rescind their recent orders relating to federally financed shipbuilding and ship repair contracts which have had the effect of severely discriminating against the Pacific Coast shipyards and, in the interest of strengthening our national defense, to prescribe orders and regulations increasing considerably the West Coast's share in the federal shipbuilding and ship repair program; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States, to the Secretary of Defense, to the Secretary of the Navy, to the Director of the Bureau of the Budget, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 123

Assembly Concurrent Resolution No. 70—Relative to extending congratulations and felicitous greetings to the Republic of Mexico upon the occasion of its national holiday, Cinco de Mayo.

[Filed with Secretary of State, May 11, 1953]

Cinco de Mayo

WHEREAS, Cinco de Mayo, the national holiday of the Republic of Mexico, has been venerated by the people of Mexico for 91 years since that day in 1862 when a small group of valiant and courageous men, under the sterling leadership of Ignacio Zarogoza, defeated the much more numerous forces of the French in the Battle of Guadalupe; and

WHEREAS, This glorious victory instilled in the hearts of the people of Mexico an abiding spirit of liberty and culminated, ultimately, in the conquest of freedom and independence over foreign domination; and

WHEREAS, Cinco de Mayo is a memorable date to a people who have not only fought their own battle for independence and thereby won our admiration and respect, but also have con-

tinually exercised their liberty so that today the Republic of Mexico is a friendly neighbor which has joined us and other freedom loving peoples in establishing a better world in which free people may live; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature on behalf of the people of the State of California, extend to the people of Mexico congratulations and felicitous greetings upon the occasion of the celebration of their great national holiday, Cinco de Mayo, conveying to them our sincere expression of warm friendship; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to His Excellency, the President of the Republic of Mexico.

CHAPTER 124

Assembly Concurrent Resolution No. 71—Relative to the death of Howard Thornton Boulter.

[Filed with Secretary of State, May 11, 1953.]

Death of Howard Thornton Boulter

WHEREAS, Howard Thornton Boulter, editor of the San Diego Evening Tribune, passed away in San Diego on April 24, 1953; and

WHEREAS, He was born on July 8, 1907, at Omaha, Nebraska, and moved to California early in his life; and

WHEREAS, One of California's leading newspapermen, his keen interest in public affairs and his unceasing efforts on behalf of the people of California were repeatedly acknowledged by his confreres in the newspaper profession and were rewarded by the friendship of all who knew him; and

WHEREAS, Howard Thornton Boulter gave freely of his time and energy in all his activities, civic, professional and social, selflessly reserving to others the glory he so well deserved himself; and

WHEREAS, He leaves behind his wife, two sons, Tom and Steve, and a countless multitude of sorrowing friends; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby expresses its feeling of great sorrow and regret at the loss of Howard Thornton Boulter, a valuable and highly esteemed citizen of California; and be it further

Resolved, That the Members of the Legislature extend their deepest sympathy to Mrs. Howard Thornton Boulter, his wife, and to his sons, Tom and Steve; and be it further

Resolved, That the Chief Clerk of the Assembly, as a token of the deep sense of loss experienced by the Legislature, be instructed to prepare and to transmit suitable copies of this resolution to Mrs. Howard Thornton Boulter and to the San Diego Evening Tribune.

CHAPTER 125

Senate Joint Resolution No. 37—Relative to requesting the United States to construct a portion of a highway in substitution for the highway closed by the establishment of the Chocolate Mountain Aerial Gunnery Range.

[Filed with Secretary of State, May 12, 1953.]

Federal highway aid in Imperial County

WHEREAS, In 1949 when the United States Navy sought to establish the Chocolate Mountain Aerial Gunnery Range as a target area for jet planes, the Board of Supervisors of Imperial County in the interest of patriotism gave its consent thereto insofar as the establishment of the range required the closing of the only direct traversable road between Niland, Imperial County, and Blythe, Riverside County; and

WHEREAS, The Board of Supervisors of Imperial County took this action freely and without the requirement that the United States condemn the interest the county had in this road, thus permitting the Chocolate Mountain Aerial Gunnery Range to be established immediately at the time when it was needed and without the necessity for lengthy and costly litigation; and

WHEREAS, The county road through the Chocolate Mountain Aerial Gunnery Range was the only road of any economic value connecting the populous west portion of Imperial County with the less developed eastern portion of Imperial County, and also served as the only short-diagonal for interstate traffic connecting U. S. Highways 60 and 66 with the populous portion of Imperial County and the metropolitan area of San Diego County; and

WHEREAS, At the time of the establishment of the Chocolate Mountain Aerial Gunnery Range the Government of the United States, through the Department of the Navy, gave assurances to the Board of Supervisors of Imperial County that the United States would build a replacement road on account of closing of the existing road, the cost thereof to be viewed as the cost to acquire the Chocolate Mountain Aerial Gunnery Range; and

WHEREAS, The Bureau of Public Roads has authority under existing law to replace existing highways and highway connections that are shut off from general public use by necessary and required restrictions at military and naval reservations; and

WHEREAS, There is a practicable route from Imperial County to Blythe along the southerly end of the Chocolate Mountain Aerial Gunnery Range, which route commences from a county road running easterly from Brawley at a point approximately three miles west of the Highline Canal, and then proceeds east across the Coachella Branch of the All American Canal, across the Southern Pacific Railway near Glamis, along the southern boundary of the Chocolate Mountain Aerial Gunnery Range, and thence along an existing county road to Palo Verde, and from there to Blythe; and

WHEREAS, Such a road would make the distance between Brawley and Blythe 90 miles as compared to the distance of 85

miles by the way of the road across the Chocolate Mountain Aerial Gunnery Range, now closed, 152 miles by the existing road by way of Mecca and Box Canyon, and 129 miles by the existing road by the way of Holtville, Ogilby, and Palo Verde; and

WHEREAS, The Board of Supervisors of Imperial County is willing to give assurances that it will construct to accepted local standards the road from Brawley to Blythe along the southern boundary of the Chocolate Mountain Aerial Gunnery Range, except the portion from the point of beginning to Glamis, and that it will maintain the entire road, including such excepted portion, if the United States constructs such excepted portion in accordance with the recommendations of the Report of Road Replacement from Imperial Valley to Palo Verde Valley in California, prepared by E. Q. Sullivan (formerly State Highway Division Engineer), Consulting Engineer, for the Imperial County Board of Supervisors in April, 1953; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature on behalf of the State of California approves the proposed assurances of the Board of Supervisors of Imperial County as herein set forth, or as subsequently amended, for the purpose of obtaining a direct county road between Imperial County and Blythe; and be it further

Resolved, That the Legislature finds that there is an urgent need for the re-establishment of this road in order to assure the development of the eastern portion of Imperial County and to provide a connecting highway between U. S. Highway Routes 60 and 66 and San Diego; and be it further

Resolved, That the Legislature memorializes the Congress of the United States to provide funds for the construction of that portion of the road between Imperial County and Blythe which is a condition of Imperial County constructing the remainder of the road and maintaining the entire road, and that such construction be carried out for the United States by its Bureau of Public Roads; and be it further

Resolved, That the Secretary of the Senate send copies of this resolution to the President of the United States, the Secretary of the Navy, the Secretary of Commerce, the Chief of Bureau of Public Roads, the President of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 126

Senate Joint Resolution No. 38—Relative to increased share for the Pacific Coast in the federally financed shipbuilding and ship repair program.

[Filed with Secretary of State, May 12, 1953.]

West Coast shipyards

WHEREAS, Under a directive from United States Budget Director Joseph M. Dodge, the Federal Government has re-

quired shipbuilding and ship repair contracts hereafter to be awarded on the basis of the lowest dollars-and-cents bid, instead of regionally, with the exception that Pacific Coast shipyards will be given a preference on some of the smaller ship repair jobs; and

WHEREAS, The Navy Department has adopted a new formula for computing the estimated differential cost in moving a ship from the West Coast to the East Coast and back, which formula is much lower than the present one and therefore gives the eastern yards an added competitive advantage in obtaining ship repair contracts; and

WHEREAS, Since the remoteness of the West Coast from the big steel producing centers results in a somewhat higher pattern of material costs in this area, the combination of the directive and the new formula in effect destroys West Coast shipbuilding as a major industry; and

WHEREAS, For the past few years shipbuilding and repair jobs have been regularly diverted to the East, and West Coast yards have been systematically ignored; and

WHEREAS, It has been pointed out that in spite of repeated protests by a committee of the California Congressional Delegation, the policies of the Department of the Navy in providing for the repair and conversion of ships tend to discriminate against government and private shipbuilding and repair facilities located on the West Coast and to favor those located on the East Coast; and

WHEREAS, During the year 1952, the Department of the Navy diverted two heavy cruisers, the "Boston" and "Canberra," and an Essex type carrier, the "Ticonderoga," from the Puget Sound Naval Shipyard moth ball fleet, to East Coast shipyards for major conversion work. The total value of the work on these three major vessels would approximate two hundred fifty million dollars ($250,000,000); work that in the interests of economical operation should have been performed on the Pacific Coast; and

WHEREAS, In response to the protests at the loss of such a huge volume of work, the Department of the Navy recently announced a so-called "new policy" affecting ship repair and conversion on the Pacific Coast; and

WHEREAS, This so-called "new policy" in no material way effects the long declared policy and action of the Navy Department in concentrating practically all new naval ship construction in East Coast shipyards; and the diversion of hundreds of millions of dollars in ship conversion work on major types of naval vessels from Pacific Coast naval and private shipyards, to shipyards on the East Coast; and

WHEREAS, It is sound public policy to encourage and maintain widespread facilities for the repair and conversion of naval craft on the West Coast, in order that the dispersal of these facilities will create maximum protection in the event of any emergency requiring increased use of these facilities; and

WHEREAS, The maintenance and availability of such facilities on the West Coast depend in a large measure upon work being provided by the Department of the Navy at all times in order to prevent substantial loss and closing down of yard facilities, both private and public; and

WHEREAS, The policies of the Department of the Navy are resulting in the elimination of major private shipbuilding on the entire Pacific Coast, and are having serious repercussions upon the development and maintenance of government navy yards and naval facilities in the same area, the result of which is creating a serious hazard in preparation for national defense; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States, the Secretary of the Navy, and the Director of the Bureau of the Budget to rescind their recent orders relating to federally financed shipbuilding and ship repair contracts which have had the effect of severely discriminating against the Pacific Coast shipyards and, in the interest of strengthening our national defense, to prescribe orders and regulations increasing considerably the West Coast's share in the federal shipbuilding and ship repair program; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States, to the Secretary of Defense, to the Secretary of the Navy, to the Director of the Bureau of the Budget, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 127

Senate Concurrent Resolution No. 69—Relative to the death of Jay H. Kugler.

[Filed with Secretary of State, May 12, 1953.]

Death of Jay H. Kugler

WHEREAS, The Members of the Legislature of the State of California have been grieved to learn of the passing of Jay H. Kugler which occurred at Sacramento on May 5, 1953; and

WHEREAS, For a number of years Jay H. Kugler was one of the leading representatives of the dairy industry of California and, since 1939, has represented the Dairy Institute of California and prior to that time represented the Milk Institute of California and the Ice Cream Institute of California; and

WHEREAS, As the representative of the dairy industry of California Jay H. Kugler was ever an ardent advocate of all legislation designed for the protection of the public health through the prescribing of rigid standards to assure the purity and wholesomeness of milk and milk products; and

WHEREAS, Jay H. Kugler was a profound student of the economics of the dairy industry and was always willing to give the benefit of his knowledge and experience to the committees and Members of this Legislature who sought the same; and

WHEREAS, Jay H. Kugler was born in Hopkins, Missouri, on April 19, 1888, was educated in New York City, participated in the construction of the Panama Canal, and had a varied and somewhat adventurous career prior to moving to San Francisco in 1919 to become the editor of the Western Confectioner, a trade journal, moving from that field into the dairy industry field in 1935; and

WHEREAS, Throughout the years Jay H. Kugler has won a host of friends in the Legislature by reason of his unassuming sincerity of purpose and his gentle kindliness under all circumstances; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the Legislature takes this means of expressing its sorrow at the passing of Jay H. Kugler and desires by this resolution to express its sympathy to the bereaved family; and be it further

Resolved, That when the Legislature shall adjourn this day it shall do so out of respect of the memory of Jay H. Kugler; and be it further

Resolved, That the Secretary of the Senate is directed to have suitably prepared copies of this resolution forwarded to the members of the bereaved family of Jay H. Kugler.

CHAPTER 128

Assembly Concurrent Resolution No. 43—Relative to the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State, May 14, 1953.]

Joint Rules· Memorial, etc., resolutions

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Rules of the Senate and Assembly for the 1953 Regular Session be amended by adding thereto a new rule to be numbered 34.1, to read:

34.1. Whenever the Legislative Counsel has been requested to draft a resolution commemorating or taking note of any event, or a resolution congratulating or expressing sympathy toward any person, and subsequently receives a similar request from another Member of the Legislature, he shall inform each such subsequent requester that such a resolution is being, or has been, prepared, and shall furnish such subsequent requester with the name of the member for whom the resolution was, or is being, prepared.

CHAPTER 129

Assembly Concurrent Resolution No. 67—Relative to the retirement of Mrs. I. E. Porter as State Executive Secretary of the California School Trustees Association.

[Filed with Secretary of State, May 14, 1953.]

Mrs I E Porter

WHEREAS, It has come to the attention of this Legislature that Mrs. I. E. Porter, State Executive Secretary of the California School Trustees Association, plans to retire on July 1, 1953, after 22 years of service in that position; and

WHEREAS, Mrs. I. E. Porter organized the California Association of School Trustees and nurtured it to become an outstanding force for better public education in California; and

WHEREAS, The National Association of School Boards is the result of the organizational ability of Mrs. I. E. Porter and has served to place California in a pre-eminent position among all of the states in its progress in public education; and

WHEREAS, Mrs. I. E. Porter has also served with distinction and untiring devotion as a member of the California State Board of Education and of the Board of Education of the City of Bakersfield; and

WHEREAS, In connection with all of these duties Mrs. I. E. Porter is well known with affection and respect by the Members of this Legislature and a multitude of persons throughout this State and Nation for her successful efforts toward continual improvement of public education; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it is the judgment of this Legislature that Mrs. I. E. Porter has provided distinguished leadership for the educational system of California and of the entire Nation; and be it further

Resolved, That the Legislature expresses its sincere appreciation of the contribution of Mrs. I. E. Porter and the hope that her advice and consultation will continue to be available; and be it further

Resolved, That this Legislature wishes for Mrs. I. E. Porter continued health and happiness in the pursuit of her many and varied interests; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send a suitably prepared copy of this resolution to Mrs I. E. Porter.

CHAPTER 130

Assembly Concurrent Resolution No. 73—Approving amendment to the charter of the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, voted for and ratified by the qualified electors of said city at

a regular municipal election held therein on the seventh day of April, 1953.

[Filed with Secretary of State, May 14, 1953.]

City of San Mateo Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment hereinafter set forth, to the charter of the City of San Mateo, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF ADOPTION OF CHARTER AMENDMENT

STATE OF CALIFORNIA
County of San Mateo } ss
City of San Mateo

Certificate

We, the undersigned, F. Herschel Campbell, Mayor of the City of San Mateo, and William J. O'Farrell, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, is now and at all times herein mentioned was, a city containing a population of more than 3,500 inhabitants and less than 50,000 inhabitants, and has been ever since the 26th day of January, 1923, and is now, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said city at an election duly held for that purpose on the 19th day of December, 1922, and approved by the Legislature of the State of California by a concurrent resolution filed with the Secretary of State on the 26th day of January, 1923.

That pursuant to and in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, the Council of the City of San Mateo, being the legislative body thereof, on its own motion, duly and regularly submitted a certain proposal for the amendment of the Charter of said city, to be voted on by the qualified electors of said City at the regular municipal election to be held therein on the 7th day of April, 1953.

That pursuant to resolution duly adopted by the City Council of said City of San Mateo, the proposed charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California.

That said general municipal election was duly and regularly held on Tuesday, April 7, 1953, and the City Council of said City of San Mateo did, in the manner provided by law, duly and regularly canvass the returns of said election, and did on the 13th day of April, 1953, by Resolution No. 69 (1953), duly declare and certify the result of said general municipal election as determined from the canvass of the returns thereof.

That at said general municipal election a majority of the qualified electors voting on Proposal A to amend the Charter of said City of San Mateo voted in favor of said amendment, and the said City Council of said City did by said Resolution No. 69 (1953) find, determine and declare that the said proposed amendment to the Charter of the City of San Mateo, being Proposal A, was ratified by a majority of the qualified electors of said city voting thereon.

That said amendment to the charter so ratified by the qualified electors of the City of San Mateo, at said general municipal election, is in words and figures as follows, to-wit:

PROPOSAL A

AMENDMENT OF SECTION 30 OF THE SAN MATEO CITY CHARTER PROVIDING FOR AWARDING CONTRACTS FOR PUBLIC WORK EXCEEDING THE SUM OF $1,000

Shall Section 30 of the Charter of the City of San Mateo, California be amended to read as follows:

Public work contracts

"Section 30. Contract Work. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, or in or about embankments or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required from the same shall exceed the sum of one thousand dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper;

"Provided, that the Council may reject any and all bids presented and may re-advertise, in their discretion, and

"Provided further, that after rejecting bids the Council may declare and determine by a four-fifths vote of all its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, or the materials or supplies purchased at a lower price in the open market, and after the adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and

"Provided further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council may, by resolution passed by a vote of four-fifths of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon they may proceed to expend, or enter into a contract involving the expenditure of any sum required in such emergency."

And we further certify that we have compared the foregoing amendment with the original proposal A filed and submitted to the qualified electors of the City of San Mateo, as aforesaid, and find that the foregoing is a full, true and correct copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Seal of said City of San Mateo to be affixed hereto, this 20th day of April, 1953.

F. HERSCHEL CAMPBELL
(SEAL) Mayor of the City of San Mateo
WILLIAM J. O'FARRELL
City Clerk of the City of San Mateo

and

WHEREAS, Said proposed charter amendment has been and is now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now therefore, be it

Approval

Resolved, by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor, and concurring therein, That said amendment to said charter, herein set forth, as submitted to and ratified by the qualified electors of said city, be, and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the charter of said City of San Mateo.

CHAPTER 131

Assembly Concurrent Resolution No. 74—Approving an amendment to the charter of the City of Pomona, County of Los Angeles, State of California, by adding to Article III thereof a new section, numbered 24½, voted for and ratified by the electors of said city at a general municipal election held therein on the 14th day of April, 1953.

[Filed with Secretary of State, May 14, 1953.]

City of Pomona: Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment, hereinafter set forth, to the charter of the City of Pomona, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the Mayor and President of the City Council of the City of Pomona, and the city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF POMONA

Certificate

We, the undersigned, Arthur H. Cox, Mayor of and President of the City Council of the City of Pomona, State of California, and C. Harry Doremus, City Clerk of said City, do hereby certify as follows:

That the City of Pomona, a municipal corporation of the County of Los Angeles, State of California, is now, and at all times herein mentioned was, a City containing a population of

more than Three Thousand Five Hundred inhabitants, and less than Fifty Thousand inhabitants, and has been ever since the 10th day of March, 1911, and is now, organized and acting under a freeholders Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said City by voting at a special election held for that purpose on the 16th day of February, 1911, and approved by the Legislature of the State of California by Concurrent Resolution No. 20, filed with the Secretary of State of the State of California on the 10th day of March, 1911. (Statutes of 1911, page 1913).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Pomona, being the legislative body thereof, duly and regularly submitted to the qualified electors of said City of Pomona a certain proposal to amend the Charter of said City, to be voted on by said qualified electors at a General Municipal Election called and held in said City on the 14th day of April, 1953, which said proposal was designated as Proposed Amendment to the Charter of the City of Pomona on the ballot at said election.

That said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, in the Pomona Progress Bulletin, a daily newspaper of general circulation published in said City and the official paper of said City, and in each edition thereof during the day of publication, to wit: On February 17, 1953.

That in accordance with the provisions of the Charter of the City of Pomona and Ordinance No. 1267, adopted by the Council of said City at its meeting on the 10th day of February, 1953, approved by the Mayor on the 10th day of February, 1953, and published as required by law and the provisions of said Charter. A General Municipal Election was held in said City on the 14th day of April, 1953, and pursuant to the provisions of said Charter and Resolution No. 2561, adopted by the Council of said City at its meeting on the 10th day of February, 1953, approved by the Mayor on the 10th day of February, 1953, the said proposed amendment was submitted to the qualified electors of said City for their ratification at said election, and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify the proposed amendment to the Charter of said City.

That the City Council of the said City of Pomona, in accordance with the law in such cases made and provided, did meet on the 21st day of April, 1953, at its usual time and place of meeting and duly canvassed the returns of said election as certified by the election boards and duly found, determined and declared that said proposed amendment to the charter of the City of Pomona was ratified by a majority of the electors of said City voting thereon.

That said amendment to the Charter of the City of Pomona so ratified by the electors of the City of Pomona is in the words and figures as follows, to wit:

PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF POMONA:

That the Charter of the City of Pomona be amended to add to Article III thereof a new section, numbered Section 24½, to read as follows:

"Section 24½. Notwithstanding any other provisions of this charter, there shall be a Board of Education consisting of such members, not less than five, as may be provided by the Education Code of the State of California, who shall be elected at elections called, held and conducted as now or hereafter provided in said Education Code. Board of Education

The qualifications, terms of office, and recall of the members of the Board of Education, and the causes for and the filling of vacancies thereon, shall be governed by the provisions of the Education Code."

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct, and exact copy thereof; and we further certify that the facts set forth in the preamble preceding said amendment to said Charter is true.

That as to said amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the City of Pomona to be affixed hereto this 24th day of April, 1953.

Approved as to form
ARLO E. RICKETT, JR.
City Attorney

ARTHUR H. COX
(SEAL) President of the Council and
Mayor of the City of Pomona.
C HARRY DOREMUS
City Clerk of the City of Pomona.

and

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth has been, and is now, duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Pomona as proposed to and adopted and ratified by the electors of the said city and as here- Approval

inbefore fully set forth, be, and the same is hereby, approved as a whole without amendment or alteration for and as amendment to and as part of the charter of the City of Pomona.

CHAPTER 132

Senate Joint Resolution No. 13—Requesting an investigation by Congress of federal use of lands suitable for agriculture in California.

[Filed with Secretary of State, May 15, 1953.]

Federal agricultural lands

WHEREAS, Federal ownership of land in California has been increasing in recent years, rising from 39,316,908 acres in 1937 to 45,900,157 acres in 1949, which is 45.74 percent of the total land area of the State of California; and

WHEREAS, Much of the land taken recently by the Federal Government has been land suitable for agriculture, thus removing it from agricultural production needed by California's rapidly growing population; and

WHEREAS, Many of the leading agricultural organizations in California have, by resolution, officially protested this federal encroachment on these needed agricultural lands and have asked an investigation by Congress of the extent to which this agricultural land is held needlessly, in excess or without demonstrated use; these organizations including the California Farm Bureau Federation, California State Grange, California Farmers, Inc., County Supervisors Association of California, California Cattlemen's Association, California Wool Growers Association, San Francisco Chamber of Commerce, Western Mining Council, Nevada County Board of Supervisors and others; now, therefore, be it

Resolved, That the California State Legislature does hereby memorialize the Congress of the United States in support of the request of these organizations for an investigation by the appropriate committees of the Congress of the need for continued occupancy by the Federal Government of agricultural lands in California; and be it further

Resolved, That the California Legislature respectfully memorialize the California members of the Senate and the House of Representatives to do everything within their means to carry out the tenor of this resolution; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the Secretary of Defense and the Secretaries of the Army, Navy and Air Force and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 133

Senate Concurrent Resolution No. 71—Approving certain amendments to the charter of the City of San Rafael, a municipal corporation in the County of Marin, State of California, voted for and ratified by the qualified electors of said city at a special municipal charter amendment election held therein on the thirteenth day of April, 1953.

[Filed with Secretary of State, May 15, 1953.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of San Rafael, a municipal corporation in the County of Marin, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit: City of San Rafael Charter amendments

CERTIFICATE OF RATIFICATION BY ELECTORS
OF THE CITY OF SAN RAFAEL
OF TWO CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA
COUNTY OF MARIN } ss.
CITY OF SAN RAFAEL

We, the undersigned, Edward W. Culver, Mayor of the City of San Rafael, and Eugene W. Smith, City Clerk of the City of San Rafael, do hereby certify and declare as follows: Certificate

That the City of San Rafael, County of Marin, State of California, is a city containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and ever since the year 1913 has been and is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the 29th day of May, 1912, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 31st day of March, 1913 (Statutes of 1913, page 1549).

That the Council of the City of San Rafael, being the legislative body of said city, on its own motion, in accordance with Section 8 of Article XI of the Constitution of the State of California, by its Resolution No. 1442, adopted on February 24, 1953, duly and regularly submitted to the qualified electors of said City two certain proposals for the amendment of the Charter of said City, to be voted on by said qualified electors at a special municipal charter amendment election, consolidated by said Resolution No. 1442 with the general municipal election held in said City on April 13, 1953.

That said proposed amendments were published and advertised for the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, viz., on the 25th day of February, 1953, in the Independent-Journal, the official newspaper of said City of San Rafael, a newspaper of general circulation printed and published in said City of San Rafael, and in each edition thereof during said day of publication.

That said general municipal election and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 13th day of April, 1953, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposed amendments in said Independent-Journal.

That a majority of the qualified voters voting on each of said amendments voted in favor of the ratification of and did ratify said proposed amendments to said charter.

That the Council of said City of San Rafael on April 17th, 1953, officially canvassed all ballots cast at said general municipal election and said special municipal charter amendment election consolidated therewith as aforesaid, and did, by resolution, duly find and declare that a majority of the qualified voters voting on each of said charter amendments, voted in favor thereof and that both of said charter amendments were ratified.

That said charter amendments so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election are in the words and figures following, to wit:

"Powers of City.

Powers of city

Section 59. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California. The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, this general grant of power."

(2) By adding thereto Article XVI, comprising Sections 1-16, both inclusive, to read as follows:

ARTICLE XVI

Off-street parking.

OFF-STREET VEHICULAR PARKING

Generally

Section 1. General. The City of San Rafael, in addition to all other powers elsewhere enumerated in this Charter, shall

have power to acquire (whether by purchase, lease, eminent domain, or otherwise), construct, establish, improve, extend, maintain, operate, administer, lease and sublease off-street vehicular parking facilities and places within the City of San Rafael, including any and all public parking lots, garages or other automotive parking facilities, in order to relieve traffic congestion and promote the welfare of the citizens and inhabitants of said City, and, for the payment of the cost thereof, to issue bonds payable from the revenues of any such parking facilities and from other revenues, all as hereinafter provided in this Article.

Definitions

Section 2. Definitions. The following terms whenever used or referred to in this Article, or in any resolution of issue, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) Project. The term "project" means any one or more off-street vehicular parking facilities referred to in Section 1 and designated by the City as a project in a resolution of issue.

(b) Bonds. The term "bonds" or "revenue bonds" means the written evidence of any obligation issued by the City, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this Article, in order to obtain funds with which to carry out any of the purposes of this Article, irrespective of the form of such obligation.

(c) The term "existing off-street parking facilities" means and includes any off-street vehicular parking facilities now or hereafter owned by the City and operated or controlled by the City at the time of adoption of a resolution of issue and not theretofore designated by the City as a project in a resolution of issue and not acquired, constructed, established, improved, extended, maintained or operated, in whole or in part, from the proceeds of sale of any revenue bonds.

(d) Revenues. The term "revenues" means and includes any and all rates, fees and other charges received or receivable in connection with, and any and all income and receipts of whatever kind and character derived by the City from, the operation of a project, or arising from a project, including any such revenues as may have been or many be impounded or deposited in any fund created for the security or further protection of revenue bonds or for the purpose of providing for the payment of the principal thereof or the interest thereon. The term "revenues" also includes net revenues from on-street parking meters within the City now owned or controlled or hereafter acquired or controlled by the City and net revenues of any existing off-street parking facilities to the extent that the same shall be pledged or otherwise made available for the payment of operation and maintenance costs of any project or as security or further protection for bonds by a resolution of issue.

(e) Net Revenues. The term "net revenues" when used with reference to on-street parking meters within the City means and includes the gross revenues collected by the City during any fiscal year from the establishment and operation of such on-street

parking meters after deducting therefrom the actual necessary costs and expenses of the acquisition, installation, maintenance and replacement of such parking meters and of the collection of revenues therefrom, all calculated on sound accounting principles, but without any allowance for depreciation or obsolescence. The term "net revenues" when used with reference to any existing off-street parking facilities means and includes the gross revenues collected by the City during any fiscal year from the establishment and operation of such existing off-street parking facilities after deducting therefrom the actual necessary expenses of maintaining and operating such facilities, calculated on sound accounting principles, but without any allowance for depreciation or obsolescence.

(f) Resolution of Issue. The term "resolution of issue" means any agreement entered into by the Council, including any resolution adopted by the Council, pursuant to which revenue bonds are issued, and includes any agreement entered into or resolution adopted by the Council amending, modifying or supplementing a resolution of issue irrespective of the form thereof.

Powers of city council

Section 3. Grant of Power. Without limiting the generality of Section 1, the Council of the City of San Rafael has power for any of the purposes of this Article:

(a) To acquire, by grant, purchase, gift, devise, lease or by the exercise of right of eminent domain, and to hold, use, sell, lease, sublease or dispose of any real or personal property or any interest in any thereof, including rights-of-way, necessary or appropriate for the full exercise, or convenient or useful for the carrying on, of any of its powers pursuant to this Article;

(b) To acquire, by any of the means specified in the foregoing clause (a), any lands, property or rights-of-way necessary or convenient for the opening, widening, straightening and extending of streets or alleys necessary or convenient for ingress to or egress from any project;

(c) To improve any lands so acquired by the construction thereon of garages or other buildings or improvements necessary or convenient for any project.

(d) To construct, establish, improve, extend, maintain, operate, administer, lease and sublease any project;

(e) To fix rates, fees or charges for the use of the facilities provided by any project, or for any services rendered in connection therewith, and to alter, change or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the City with respect to the fixing of such rates, fees or charges; and, by a resolution of issue or otherwise, to enter into covenants to increase rates, fees or charges from time to time; provided, however, that any person shall be permitted to use or operate any facilities provided by any project only upon payment of the regularly established charge therefor, except as may be otherwise specifically provided in a resolution of issue in the case of firemen, policemen and other essential public employees. All rates, fees and charges shall be paid only

in such coin or currency as on the date of payment is legal tender for public and private debts, or in scrip or tokens issued only upon payment of the face value thereof in such coin or currency;

(f) At any time and from time to time to issue revenue bonds in order to raise funds for the purpose of establishing any project or of acquiring lands for any project or of acquiring, constructing, completing, improving, extending, maintaining, operating or administering any project, or of refinancing any project, or for any combination of such purposes, which bonds may be secured as hereinafter provided;

(g) To make contracts, leases, subleases and agreements relative to the acquisition, operation or maintenance of any project or any part of any project with any person or public corporation, political subdivision, city, county, district, the State of California, or the United States of America, or any department or agency of any thereof, subject to any contractual obligation which may be entered into by the City with respect to the issuance of bonds;

(h) To lease for commercial purposes space in any project which in the opinion of the Council is not and will not during the term of such lease be required for off-street vehicular parking facilities, provided that the aggregate of all such space so leased at any one time in any project shall not exceed twenty per cent (20%) of the surface area of such project and that the term of any such lease shall not exceed a period of five (5) years from its date;

(i) To sell, lease, convey or otherwise dispose of any rights, interests or property acquired under this Article, subject to any contractual obligation which may be entered into by the City with respect to the issuance of bonds;

(j) To exercise the right of eminent domain for the condemnation of private property or any right or interest therein for any of the purposes of this Article;

(k) To adopt such rules and regulations as may be necessary regarding the operation and maintenance of any project and to enable the City to exercise the powers and perform the duties conferred or imposed by this Article; and

(l) To do any and all acts or things necessary or appropriate to carry out the purposes of this Article and the provisions, covenants and agreements contained in any resolution of issue adopted pursuant to the authority conferred by this Article; provided that nothing in this Section or elsewhere in this Article contained shall be construed directly or by implication to be in any way in derogation or in limitation of any powers conferred upon or existing in the City by virtue of the provisions of the Constitution of the State of California or any other provision of this Charter.

Section 4. Pledge of Net Parking Meter Revenues. In addition to all other powers elsewhere enumerated in this Article, the Council shall have power to pledge, place a charge upon, or otherwise make available and authorize payment of all or any

Use of revenues

part of the net revenues collected by the City from the establishment and operation of (i) on-street parking meters within the City now owned or controlled or hereafter acquired or controlled by the City, and (ii) existing City off-street parking facilities, for such periods of years as shall be determined by the Council, for the payment of operation and maintenance costs of any one or more projects authorized by this Article or as security or further protection for the payment of principal of and interest on bonds issued pursuant to this Article.

Bond issues

Section 5. Issues of Bonds; Series and Divisions. The Council may provide for one or several issues of bonds and may issue bonds in series, or may divide any issue into one or more series or divisions and fix different maturities or dates for each series or division, different rates of interest, or different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the Council by a Resolution of issue at the time of or prior to the issue thereof.

Resolutions of issue

Section 6. Authorization of Revenue Bonds. Each issue of revenue bonds shall be authorized by the Council by a resolution of issue adopted by affirmative votes of at least four (4) members of the Council at a duly assembled meeting.

Section 7. Resolutions of Issue. Resolutions of Issue shall provide for the aggregate principal amount, date or dates, maturities, interest rates, denominations and form, and may provide for the registration, transfer and interchange, of any revenue bonds and coupons issued pursuant to this Article; and shall prescribe the purpose or purposes for which said bonds are to be issued and the terms and conditions on which said bonds are to be executed, issued, secured, sold and paid, and, if desired, the terms and conditions on which said bonds may be redeemed prior to maturity or refunded.

Bonds

Section 8. Provisions Relating to Bonds. The following provisions shall govern and apply to (a) all revenue bonds issued pursuant to this Article and (b) each resolution of issue relating to the bonds thereby authorized:

(1) Date of Bonds. Bonds shall bear dates prescribed by the resolution of issue.

(2) Maturity. Bonds may be serial bonds or sinking fund bonds with such maturities as shall be provided in the resolution of issue. No bond by its terms shall mature in more than forty (40) years from its own date and, in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date of each such series or division shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

(3) Interest. Bonds shall bear interest at a rate of not to exceed six (6) per cent. per annum, payable annually or semi-annually, or in part annually and in part semi-annually.

(4) Coupon or Registered Bonds. Bonds may be issued as coupon bonds or as registered bonds. A resolution of issue may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise as the resolution of issue shall prescribe.

(5) Redemption. Bonds may be callable upon such terms and conditions and upon such notice as the resolution of issue shall prescribe and upon payment of such premium (not exceeding six per cent (6%) of the par value of such bonds) as may be fixed in the resolution of issue. No bond shall be subject to call or redemption prior to its fixed maturity date, unless the right to exercise such call is expressly stated on the face of the bond.

(6) Source of Payment. All revenue bonds shall be payable exclusively from revenues.

(7) Reference on Bonds to Resolution of Issue. Reference on the face of a revenue bond to the resolution of issue by its date of adoption is sufficient to incorporate all of the provisions thereof and of this Article into the body of said revenue bond and its appurtenant coupons. Each taker and subsequent holder of a revenue bond or coupons, whether such coupons are attached to or detached from said revenue bond, shall have recourse to all of the provisions of the resolution of issue and of this Article and shall be bound thereby.

(8) Recital in Bonds. All revenue bonds shall contain a recital on their face that neither the payment of principal of nor of interest on such bonds constitutes a debt, liability or obligation of the City of San Rafael, except as provided in this Article.

(9) Place and Manner of Payment. The principal of and interest on bonds may be paid at any one or more places within or without the State of California and in any specified coin or currency of the United States of America, as may be provided in the resolution of issue.

(10) Execution and Authentication of Bonds; Validity of Signatures and Countersignatures. Bonds may be executed and authenticated by the manual, lithographed or printed facsimile signature of any officer or officers of the City and may also be authenticated by a trustee or fiscal agent appointed by the Council. If any of the officers whose signatures or countersignatures appear on the bonds cease to be officers before the delivery of the bonds or coupons to the purchasers thereof, their signatures or countersignatures shall nevertheless be valid and of the same force and effect as if such officers had remained in office until the delivery of the bonds and coupons.

(11) Issuance of Temporary Bonds. Pending the actual issuance or delivery of definitive bonds, the Council may issue

temporary of interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, and with such provisions as the Council shall determine, to be exchanged for definitive bonds when ready for delivery. In the absence of an express recital on its face that a temporary bond or interim receipt is non-negotiable, such bond or interim receipt is a negotiable instrument.

(12) Replacement of Lost, Destroyed, Mutilated or Stolen Bonds. Lost, destroyed, mutilated or stolen bonds or coupons may be replaced as provided in the resolution of issue.

(13) Security. All revenue bonds shall be secured by an exclusive pledge and charge upon (a) all or a portion of the gross revenues of the project for the acquisition, construction and completion of which said bonds are issued or authorized to be issued, (b) revenues from on-street parking meters, and (c) revenues of any existing off-street parking facilities, all as provided for in the resolution of issue. Gross revenues of a project include improvements and extensions of such project later constructed or acquired. The gross revenues of the project, any interest earned on the gross revenues of the project, and all pledged on-street parking meter revenues and pledged revenues of existing off-street parking facilities shall constitute a trust fund for the security and payment of the principal of and interest on the bonds and so long as any bonds or interest thereon are unpaid said revenues and interest shall not be used for any other purpose; provided, however, that a resolution of issue may provide that if the principal of and interest on the bonds and all charges to protect and secure them are paid when due, an amount for the maintenance and operation costs of the project may be apportioned from revenues, but only to the extent specified in the resolution of issue.

(14) Bonds of Same Issue to be Equally Secured. Bonds of the same issue shall be equally secured by a pledge and charge upon revenues, without priority for number, date of bonds, of sale, of execution, or of delivery; except that if the Council authorizes the issuance of bonds of different series it may provide that the bonds in any series shall, to the extent and in the manner prescribed in the resolution of issue, be subordinated and be junior in standing with respect to the payment of principal and interest and the security thereof to such other bonds as may be specified in the resolution of issue.

(15) Refunding Bonds. The Council may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming, retiring or refunding any revenue bonds issued under this Article, subject to any limitations contained in the resolution of issue pursuant to which such revenue bonds are issued. All provisions of this Article applicable to the issuance of revenue bonds shall be applicable to the refunding bonds and to the issuance, sale or exchange thereof.

(16) Amount of Refunding Bonds. Refunding bonds may be issued in a principal amount sufficient to provide funds for

the payment of all bonds to be refunded thereby, and, in addition, for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds and the issuance of such refunding bonds. Such expenses may include the difference in amount between the par value of the refunding bonds and any amount less than par for which the refunding bonds are sold, any amount necessary to be made availabe for the payment of interest upon such refunding bonds from the date of sale thereof to the date of payment of the bonds to be refunded, or to the date upon which the bonds to be refunded will be paid pursuant to call thereof or agreement with the holders thereof, and also the premium, if any, necessary to be paid in order to call and retire the outstanding bonds and the interest accruing thereon to the date of call or retirement.

(17) Validity of Bonds Not Affected by Actions of City Relative to Project. The validity of the authorization and issuance of any revenue bonds by the Council shall not be dependent on or affected in any way by:

(a) Proceedings taken by the City for the acquisition, construction, or completion of any project or any part thereof.

(b) Any contracts made in connection with the acquisition, construction or completion of any project; or

(c) The failure to complete any project for which bonds are authorized to be issued.

Section 9. Sale of Bonds. Before selling any bonds the Council shall give notice inviting sealed bids in such manner as the Council may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the Council determines that the bids received are not satisfactory as to price or responsibility of the bidders, the Council may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

Section 10. Sale Below Par. The Council may sell bonds at a price below the par or face value thereof, provided that the maximum net interest cost (computed on a 360-day year basis) on bonds sold below par or face value shall not exceed an average of six per cent (6%) per annum, payable semi-annually, to the respective maturity dates of said bonds.

Section 11. Payment of Incidental Expenses and Interest and Creation of Funds From Proceeds of Sale of Bonds. All costs and expenses incidental to the issuance and sale of bonds, including the cost of preparation of the bonds and coupons, the cost of all surveys, of preparation of plans and specifications, of all architectural, engineering, inspection, legal, trustee's and fiscal agent's fees, the creation of a bond reserve fund, the creation of a working capital fund, and bond interest estimated to accrue during the period of acquisition or construction of a project and for a period of not to exceed six (6) months thereafter, all as provided for in the resolution of issue, may be paid out of the proceeds of sale of the bonds.

Resolutions of issue

Section 12. Provisions Relating to Resolutions of Issue. The following provisions shall govern and apply to each resolution of issue adopted by the Council:

(1) Construction Fund; Investment. A resolution of issue may provide that the proceeds of sale of all revenue bonds authorized thereby shall either be deposited in a fund separate and apart from all other funds of the City or paid direct to any bank or trust company designated by the Council as the fiscal agent of the City, and that said proceeds shall be held by the City or such fiscal agent in a separate account to be designated the Construction Fund and be disbursed in the manner and upon the conditions provided in the resolution of issue for the object and purpose of the acquisition, construction and completion of the project therein designated, including the payment of all incidental expenses and interest and the creation of funds as provided for in Section 11 of this Article. Moneys in any construction fund may be invested as the Council in its sole discretion shall determine, subject only to such limitations as may be provided in the resolution of issue.

(2) Construction Fund Surplus. A resolution of issue may provide that any moneys in a construction fund remaining unexpended after said object and purpose shall have been completed shall be applied to the payment of the principal of and interest on said bonds, and that none of said moneys shall be transferred to any other fund of the City or used for any purpose other than as specified in the resolution of issue.

(3) Continuous Operation of Project; Repairs, Renewals and Replacements. A resolution of issue may provide that, so long as any bonds thereby authorized shall be outstanding, the City shall operate the project designated in the resolution of issue continuously and in an efficient and economical manner and in good working order and condition and shall make all necessary repairs, improvements and replacements.

(4) Rates, Fees and Other Charges. A resolution of issue may provide that the Council will prescribe, revise and collect rates, fees and charges for use of the facilities provided by the project acquired, constructed or completed from the proceeds of sale of the bonds issued pursuant to such resolution of issue, or for any services rendered in connection with such project, and for use of any on-street parking meters and existing off-street parking facilities any revenues from which are pledged to secure the bonds; that such rates, fees and charges shall at all times be sufficient to yield revenues from the project and net revenues from such on-street parking meters and existing off-street parking facilities equal to all redemption payments and interest charges on said bonds as the same fall due, together with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the security or further protection of said bonds, or as a depreciation charge or other charge in connection with such project; and that such rates, fees and charges shall not be reduced below

an amount sufficient to provide funds to meet all obligations specified in the resolution of issue.

(5) Holding and Application of Revenues. A resolution of issue may require the City to hold or cause to be held in trust the revenues pledged to the payment of the principal of and interest on the bonds issued pursuant to said resolution of issue, or to any reserve or other fund created for the security or further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the resolution of issue.

(6) Preservation and Protection of Security of Bonds. A resolution of issue may require the City to preserve and protect the security of the bonds issued thereunder and the rights of the holders thereof and to warrant and defend such rights.

(7) Discharge of Lien Claims. A resolution of issue may require the City to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon revenues, or which might impair the security of any bonds issued for the acquisition, construction or completion of any project.

(8) Limitations Upon Power to Encumber Project. A resolution of issue may limit, restrict or prohibit, except upon such terms and conditions as may be provided therein, any right, power or privilege of the City to mortgage or otherwise encumber, or to sell, lease or dispose of a project or to enter into any lease or agreement which impairs or impedes the operation of a project or of any part thereof necessary to provide adequate revenues, or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

(9) Proceeds of Project Taken by Eminent Domain. A resolution of issue may provide that if any part of a project shall be taken by eminent domain or other proceeding authorized by law, the proceeds to the City therefrom shall be applied to the replacement of such project or to the payment and retirement of the bonds issued pursuant to such resolution of issue, or as otherwise set forth in said resolution of issue.

(10) Insurance. A resolution of issue may specify or limit the kinds and amounts of insurance to be maintained by the City on a project, or any part thereof (including insurance of any project against loss of revenues from any cause whatsoever, against public liability or property damage and against loss by fire or any other hazard, as may be provided in any resolution of issue), and providing for the payment of the premiums thereon, and specifying the use and disposition of proceeds of any such insurance thereafter collected.

(11) Books, Records and Accounts. A resolution of issue may provide:

(a) that the City will keep accurate books and records of account showing all revenues received from the operation of any project and all expenditures thereof, and all revenues from on-street parking meters and existing off-street parking facilities pledged or otherwise made available as security or as further

protection for the bonds issued pursuant to said resolution of issue;

(b) that all such books and records shall be open at all times during business hours to the inspection of the holders of one or more of the bonds or of any specified percentage of such holders or their duly authorized representatives;

(c) that annual or other periodic statements of the condition of such project and of all of said other revenues will be furnished to the holders of the bonds;

(d) that summaries of all such statements will be published at least annually in the official newspaper of the City; and

(e) that the books and records of the City pertaining to the operation of any project and to all of said other revenues shall be audited by independent public accountants in such manner and under such circumstances as may be set forth in said resolution of issue.

(12) Trustees; Fiscal Agent, Paying Agents. A resolution of issue may designate a bank or trust company, qualified to do business in the State of California, as a trustee or fiscal agent for the City and holders of bonds issued under said resolution of issue, and may authorize any such trustee to act on behalf of the holders of the bonds or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders. A resolution of issue may authorize the City to designate any bank or trust company in any city in which any bonds are made payable as the City's paying agent in such city. A resolution of issue may fix and determine the conditions upon which any trustee, fiscal agent or paying agent shall receive, hold or disburse any or all revenues deposited with it by or by authority of the City or the Council. A resolution of issue may prescribe the duties and powers, if any, of any such trustee, fiscal agent or paying agent with respect to the issuance, authentication, sale and delivery of the bonds, the payment of the principal thereof and interest thereon, the redemption thereof, the registration and discharge from registration of bonds and the management of any funds provided for in the resolution of issue as security for the bonds.

(13) Competitive Projects. A resolution of issue shall contain a covenant that the City shall not, while any revenue bonds authorized by this Article are issued or outstanding, acquire, construct, complete or maintain any off-street vehicular parking facilities or places within the City of San Rafael excepting those hereinafter described, which compete in any way with any project or which are similar to any off-street vehicular parking facilities or places maintained or operated by the City or the Council through the issuance of revenue bonds pursuant to this Article; excepting, however, any and all off-street vehicular parking facilities now or hereafter maintained by the City in any area adjacent to the City Hall and used exclusively for official parking.

(14) Limitation on Additional Indebtedness. A resolution of issue may limit or restrict the incurring of additional indebtedness payable in whole or in part from the revenues charged with payment of the bonds issued pursuant to such resolution of issue.

(15) Events of Default. A resolution of issue may designate the rights, limitations, powers and duties arising upon breach by the City of any of the covenants, conditions or obligations therein contained, and may provide the terms and conditions upon which all bonds issued thereunder may be declared or become due and payable prior to maturity and the terms and conditions upon which such declaration and its consequences may be waived.

(16) Amendment or Modification of Resolution of Issue. A resolution of issue may prescribe a procedure by which its terms and conditions may be subsequently amended or modified with the consent of the City and the vote or written assent of the holders of a specified principal amount or proportion of the bonds issued and outstanding, including

(a) provision for meetings with bondholders and the manner in which the consents of the bondholders may be given;

(b) a specific statement of the effect of each such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto; and

(c) if desired, a provision that bonds held by the City or by the State of California or any public corporation, political subdivision, city, county, district or any agency of any thereof, shall not be counted as outstanding bonds or be entitled to vote or consent, but shall nevertheless be subject, to any such amendment or modification.

(17) Use of Surplus. After all of the revenue bonds issued pursuant to a resolution of issue shall have been fully paid or discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in any construction fund or other fund provided for the security or further protection of the bonds shall, subject to the limitations and restrictions in said resolution of issue, become and be the property of the City and be used by the City for any lawful purpose.

(18) Additional Covenants and Agreements. A resolution of issue may provide for such other acts and matters and may include any and all such additional covenants and agreements on the part of the City as the Council shall deem necessary or advisable for the better security of the bonds issued thereunder or to make said bonds more marketable.

Section 13. Rights of Bondholders. Except as provided otherwise in any resolution of issue the holder of any bond issued pursuant to this Article may by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the City or the Council or any official or employee of the City or assumed by any thereof in

connection with the acquisition, construction, completion, operation, maintenance, repair, reconstruction or insurance of any project, or the collection, deposit, investment, application and disbursement of rates, fees and charges derived from the operation and use of any project and all other revenues, or in connection with the deposit, investment or disbursement of the proceeds received from the sale of the bonds under this Article. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this Article.

Authority and powers

Section 14. Article Confers Complete Authority. The provisions of this Article constitute full and complete authority for the issuance of revenue bonds as herein provided by the Council of the City of San Rafael and no other procedure, or proceedings, consents, approvals, orders or permission from any municipal officer or board of the City of San Rafael, shall be required for the acquisition, construction or completion of any project, or the issuance of any revenue bonds under this Article, except as specifically provided in this Article.

Section 15. Provisions of Article Alternative. The powers and authorities conferred by this Article are in addition to and supplemental to all other powers and authorities conferred upon the City of San Rafael. The method provided in this Article for the acquisition, construction and completion of projects and the issuance of revenue bonds shall be deemed an additional method for acquiring, constructing and completing such projects and providing funds therefor: provided that the City of San Rafael may, in its discretion, acquire any properties for off-street vehicular parking facilities and issue general obligation bonds of the City of San Rafael therefor, subject, however, to the condition that the City of San Rafael shall not, while any revenue bonds authorized by this Article are issued and outstanding, acquire, construct or complete any off-street parking facilities, other than those specifically described in paragraph (13) of Section 12 of this Article, which compete with any project operated or maintained through the issuance of revenue bonds by the Council.

Bonded indebtedness

Section 16. Revenue Bonds Excluded from Bonded Indebtedness of City. Revenue bonds issued under this Article shall not be taken into consideration in determining the bonded indebtedness which the City of San Rafael is authorized to incur pursuant to Section 14 of Article III of this Charter and shall be excluded from any limitation provided by this Charter or by law on the amount of bonded indebtedness of the City.

And we and each of us further certify that we have compared the foregoing proposed and ratified amendments to the charter of the City of San Rafael with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of San Rafael to be affixed hereto this 4th day of May, 1953.

EDWARD W. CULVER
(SEAL) Mayor of the City of San Rafael
EUGENE W. SMITH
City Clerk of the City of San Rafael

and

WHEREAS, Said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of San Rafael, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole without alteration or amendment, for and as amendments to and as part of the charter of said City of San Rafael. Approval

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CHAPTER 134

Assembly Joint Resolution No. 19—Relative to smuggling of gold out of the United States.

[Filed with Secretary of State, May 13, 1953.]

WHEREAS, The low price of gold in the United States, the lowest in the world, has been the incentive for a greatly increased amount of gold smuggling; and Gold smuggling

WHEREAS, Gold purchases can be made from the United States Treasury for thirty-five dollars ($35) per fine ounce plus one-fourth of 1 percent; and

WHEREAS, It has been brought out on the floor of the United States Senate by Senator William F. Knowland of California and Senator Homer E. Ferguson of Michigan on October 8, 1951 (Congressional Record page 13030), that the United States Treasury is "manipulating the price of gold so as to allow foreigners from seventy to seventy-seven dollars ($70 to $77) per ounce"; and

WHEREAS, Profitable smuggling and raising the price to foreigners is not only depreciating our gold reserve but also is an injustice to our taxpayers and domestic producers; therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Senate of the United States is herewith urged and memorialized to create a committee to fully investigate the above conditions and to make such recommenda-

tions as will prevent further loss to the United States Treasury; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the Senate, and to each Senator from California in the Senate of the United States.

CHAPTER 135

Assembly Joint Resolution No. 30—Relative to the naming of the lake to be created by Nimbus Dam.

[Filed with Secretary of State, May 18, 1953.]

Nimbus Dam lake

WHEREAS, Consideration is being given the selection of a permanent name for the lake to be created by the construction of Nimbus Dam on the American River in Sacramento County near the City of Folsom; and

WHEREAS, The citizens residing in a wide area surrounding the proposed lake favor the name "Lake Natoma"; and

WHEREAS, The name "Natoma" has long been of historical significance in the area, there being situated in the area for many years one of the largest vineyards in the world which was prominently known throughout the world as the "Natoma Vineyard"; and

WHEREAS, For the past 102 years, the name "Natoma" has been used to designate the area to be covered by the lake, and originally was the name of the railroad station at the site of the lake; and

WHEREAS, The name "Natoma" is pleasing in sound and appropriate in meaning, the Indian translation being "running water"; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Secretary of the Interior to take such steps as may be necessary to name the lake that will be created by Nimbus Dam, "Lake Natoma"; and be it further

Resolved, That the Chief Clerk of the Assembly send copies of this resolution to the Secretary of the Interior and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 136

Assembly Joint Resolution No. 31—Memorializing Congress to give California control of its own budget in administering the Unemployment Insurance Act.

[Filed with Secretary of State, May 18, 1953.]

Unemployment Insurance Act

WHEREAS, The officials in our State Government are responsible to the people of this State for the proper and efficient management of the business of the State entrusted to them; and

WHEREAS, The administration of the unemployment insurance laws of this State through the Department of Employment involves an annual expenditure in excess of twenty-four million dollars ($24,000,000); the employment of over 4,000 personnel; and the disbursement of some one hundred sixty-five million dollars ($165,000,000) in benefits from funds collected from employers and workers in this State; and

WHEREAS, The imposition of federal budgetary controls over expenditure of that portion of the administrative costs of the department which are granted to this State for administration of our unemployment insurance laws is not compatible with over-all state fiscal control and policy, and is not conducive to the most efficient management of the public trust; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes Congress to enact legislation which will remove federal budgetary control from the funds granted to the State for administration of unemployment insurance, and which will give this State control of its own budget for an administration for which it is responsible; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 137

Assembly Concurrent Resolution No 57—Relative to reports of the annual conventions of the Military Order of the Purple Heart.

[Filed with Secretary of State, May 18, 1953.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That there shall be printed as a public document 500 copies of the report of the annual conventions of the Military Order of the Purple Heart during the years 1951 and 1952, respectively, together with illustrative copies of all general orders enacted at such conventions and of the official roll, 350 copies for the use of the Assembly and 150 copies for the use of the Senate; the cost of the same to be payable out of the legislative printing appropriation.

Publication of reports of Military Order of the Purple Heart

CHAPTER 138

Assembly Concurrent Resolution No 72—Relative to selection of Mrs. John Joseph Murray as the California Mother of the Year.

[Filed with Secretary of State, May 18, 1953.]

WHEREAS, The people of our beloved State of California have been signally honored in this year of 1953, by the selection of

Mother of the Year

Mrs. John Joseph Murray of 1306 Portola Drive, San Francisco, as the California Mother of the Year, by the Golden Rule Foundation; and

WHEREAS, Mrs. Murray after receiving her citation for the 1953 Mother of California at ceremonies held in San Francisco in the month of April, will vie with the top mothers from the other states, as well as Hawaii, Puerto Rico and Alaska, for the American Mother of the Year; and

WHEREAS, This splendid American mother, loved and respected by all who have the privilege of knowing her, is the proud mother of seven lovely children, namely, Rev. James Michael Murray, Rev. Francis Kevin Murray, John Joseph Murray, Jr., Eugene Thomas Murray, World War II veteran, Richard Aloysius Murray, with two years' service in Korea and now stationed in Hawaii with the United States Navy, and two daughters, Anita Lillian Mitchell, and Dolores Margaret Wilcsinszky. California's Mother of the Year, Mrs. Murray, also has six grandchildren; and

WHEREAS, Mrs. Murray's work as a philanthropist regardless of race, color or creed, for all welfare activities, and her further activities for the Boy Scouts, Community Chest, March of Dimes, Red Cross, and all worthy and humane work, has won for her the highest of praise from those in high public offices and from officials who participate in this nature of work; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature do hereby congratulate Mrs. John Joseph Murray on being selected the Mother of the Year by the American Mothers Committee of the Golden Rule Foundation and extend to her the best wishes of the Members of the Assembly and Senate of the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to forward copies of this resolution to Mrs. John Joseph Murray.

CHAPTER 139

Senate Joint Resolution No. 32—Relative to memorializing the Congress of the United States in relation to the enactment of federal dangerous drug controls.

[Filed with Secretary of State, May 20, 1953.]

Federal dangerous drug controls

WHEREAS, The recent reports of the pathetic and tragic cases of narcotic addiction by teen-age youngsters have shocked the citizens of this State; and

WHEREAS, Narcotic addiction among thrill-seekers, chiefly under the age of 21, is mounting at a most unhealthy pace, resulting in an alarming increase in the number of addictions; and

WHEREAS, It is the belief of our own enforcement agencies that there exists a deliberate exploitation of naive boys and girls by drug traffickers, who aim to open up a rich new market by enslaving a huge new crop of addicts; and

WHEREAS, It is the opinion of veteran narcotic enforcement officers that by far the most dangerous offenders in this traffic are those who engage in it from the profit motive only, those who are nonusers and who, for the sake of money, cold bloodedly and viciously ensnare our youth and our adults into narcotic addiction; and

WHEREAS, The drugs now composing the major law enforcement problem in our State are heroin, marihuana, and barbiturates; and

WHEREAS, At present there are no federal controls over the ultimate distribution of barbiturates, leaving each state to enact legislation in this field, even though the control of barbiturates and central nervous stimulants such as amphetamine and its derivatives is actually a federal problem involving interstate commerce; and

WHEREAS, Although California's Dangerous Drug Act has received nation-wide commendation as the most workable of all state laws, the fact that such controls do not exist in neighboring states allows those who wish to trade illegally in barbiturates merely to travel to other areas where they can be purchased across the counter and then bring them back into our State; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation for the control of dangerous drugs similar to the California Dangerous Drug Act; and be it further

Resolved, That the Secretary of the Senate is hereby requested to transmit copies of this resolution to the President of the Senate, the Speaker of the House of Representatives of the Congress of the United States and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 140

Senate Joint Resolution No. 33—Relative to memorializing the Congress of the United States to increase the number of authorized narcotic enforcement agents.

[Filed with Secretary of State, May 20, 1953.]

WHEREAS, The recent reports of the pathetic and tragic cases of narcotic addiction by teen-age youngsters have shocked the citizens of this State; and

Federal narcotic enforcement

WHEREAS, Narcotic addiction among thrill-seekers, chiefly under the age of 21, is mounting at a most unhealthy pace, resulting in an alarming increase in the number of addictions; and

WHEREAS, It is the belief of our own enforcement agencies that there exists a deliberate exploitation of naive boys and girls by drug traffickers, who aim to open up a rich new market by enslaving a huge new crop of addicts; and

WHEREAS, It is the opinion of veteran narcotic enforcement officers that by far the most dangerous offenders in this traffic are those who engage in it from the profit motive only, those who are nonusers and who, for the sake of money, cold bloodedly and viciously ensnare our youth and our adults into narcotic addiction; and

WHEREAS, The drugs now composing the major law enforcement problem in our State are heroin, marihuana, and barbiturates; and

WHEREAS, The supply of heroin, marihuana, and many other narcotics is primarily obtained by smuggling these drugs into this Country from other countries; and

WHEREAS, The present staff of federal enforcement agents is totally incapable of effecting the necessary search and border inspection to reduce substantially the illegal importation of narcotics from other countries; and

WHEREAS, At present the state and local narcotic enforcement officers have no authority until the drugs have entered our Country, at which time the drugs are distributed so rapidly that the problem of tracking them down is multiplied beyond description; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to increase the staff of federal enforcement agents and the number of border inspections; and be it further

Resolved, That during the time that it will take for the Federal Government to increase the staff of its officers at these points, it is recommended that the Congress of the United States confer authority upon state and local narcotic enforcement officers in border cities and counties to conduct searches and make inspections at border areas; and be it further

Resolved, That the Secretary of the Senate is hereby requested to transmit copies of this resolution to the President of the Senate, the Speaker of the House of Representatives of the Congress of the United States and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 141

Senate Joint Resolution No. 34—Relative to memorializing the Congress of the United States to increase the penalties for second and subsequent narcotic offenses.

[Filed with Secretary of State, May 20, 1953.]

Narcotic Drugs Import and Export Act

WHEREAS, The recent reports of the pathetic and tragic cases of narcotic addiction by teen-age youngsters have shocked the citizens of this State; and

WHEREAS, Narcotic addiction among thrill-seekers, chiefly under the age of 21, is mounting at a most unhealthy pace, resulting in an alarming increase in the number of addictions; and

WHEREAS, It is the belief of our own enforcement agencies that there exists a deliberate exploitation of naive boys and girls by drug traffickers, who aim to open up a rich new market by enslaving a huge new crop of addicts; and

WHEREAS, It is the opinion of veteran narcotic enforcement officers that by far the most dangerous offenders in this traffic are those who engage in it from the profit motive only, those who are nonusers and who, for the sake of money, cold bloodedly and viciously ensnare our youth and our adults into narcotic addiction; and

WHEREAS, The drugs now composing the major law enforcement problem in our State are heroin, marihuana, and barbiturates; and

WHEREAS, The League of Nations, United Nations, and many enforcement agencies have recommended more severe sentences as one of the best methods to suppress the use and traffic of narcotics; and

WHEREAS, The penalties in the Narcotic Drugs Import and Export Act for second and subsequent narcotic offenders are wholly inadequate to stem the rising tide of illegal drug activity; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to amend Section 2 of the Narcotic Drugs Import and Export Act to increase the penalties for second and subsequent narcotic offenders; and be it further

Resolved, That the Secretary of the Senate is hereby requested to transmit copies of this resolution to the President of the Senate, the Speaker of the House of Representatives of the Congress of the United States and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 142

Senate Concurrent Resolution No. 70—Relative to J. I. Thompson, Special Supervisor of Agricultural Education.

[Filed with Secretary of State, May 20, 1953.]

J. I. Thompson

WHEREAS, J. I. Thompson came to the Davis Campus of the University of California in 1910 as instructor in animal husbandry, being one of those who pioneered in that teaching field on the Davis Campus, serving there until 1920; and

WHEREAS, He then managed the Straylock Ranch from that date until 1931, developing leading herds of Shorthorn cattle and Poland China hogs, and one of the most outstanding flocks of Hampshire sheep on the Pacific Coast, winning several championships at the International Livestock Show, Chicago; and

WHEREAS, In 1931 he was called to head up the livestock program of the State Bureau of Agricultural Education, with headquarters at California State Polytechnic College, San Luis Obispo; and has served in that capacity for the past 22 years; and

WHEREAS, Though not a member of the college staff, Mr. Thompson's advice and counselling have been sought and freely given to various student groups, a major factor in development of the Cal Poly animal husbandry program; and Mr. Thompson has at least once each year visited every high school in California having a vocational agriculture teaching program, advising thousands of Future Farmers, thus exercising a great influence in the improvement of California's livestock industry; and

WHEREAS, Mr. Thompson has judged horses, sheep and hogs at many fairs and livestock shows and was the original sponsor and advisor of the Judges' Conference held in alternate years at the University of California at Davis and California Polytechnic College, San Luis Obispo, under the sponsorship of the State Division of Fairs and Expositions and the Western Fairs Association; and

WHEREAS, The Judges' Conference has aided the livestock and dairy industries; and

WHEREAS, Few men in California have such a wide acquaintance among youth and others interested in livestock; and

WHEREAS, He has always had time to advise and assist young people getting a start in life, and

WHEREAS, J. I. Thompson is now approaching retirement from the profession of improving the welfare of our State through teaching; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature take this opportunity to commend J. I. Thompson for his unselfish efforts on behalf of the livestock industry and the farm youth of our State, and for the outstanding manner in which he has brought about improvements in the field; and be it further

Resolved, That the Secretary of the Senate be, and he is hereby directed to forward suitably engrossed copies of this resolution to J. I. Thompson.

CHAPTER 143

Senate Concurrent Resolution No. 72—Relative to congratulating Assemblyman George A. Clarke.

[Filed with Secretary of State, May 20, 1953.]

WHEREAS, Assemblyman George A. Clarke of the Thirty-first Assembly District is being honored by the Grand Lodge of the State of California, Free and Accepted Masons, which is awarding to him the gold pin commemorative of 50 years of active membership in the order, beginning with his initiation into Winnedomah Lodge No. 287 at Bishop, California, on December 13, 1902, and his service as Junior Warden in 1904-1905, Senior Warden in 1906-1907 and again in 1918, Worshipful Master in 1908 and again in 1919, Marshal in 1914, 1915, 1916, 1917 and 1921, and Inspector each year from 1919 through 1926; and George A Clarke

WHEREAS, On July 20, 1937, following his change of residence to Merced County, he was demitted to Yosemite Lodge No. 99 of Merced, California, where he has continued a member until the present time and under the auspices of which lodge he will receive the 50-year commemorative pin; and

WHEREAS, George A. Clarke was elected to the Assembly of the State of California in 1912, again in 1922, and since 1938 has been re-elected six times to give him an unbroken service of 15 years in the Assembly of the State of California where he has served continuously since 1945 as Chairman of the Assembly Committee on Agriculture; and

WHEREAS, Assemblyman Clarke has brought to his work in the Legislature great energy, ability, and the benefit of his years of experience in farming, stockraising, and mining, and service in organizations devoted to the welfare of agriculture and the farming people of his district and of the State of California, having served as President of the Merced County Farm Bureau, Director of the Production Credit Association, and member of the Farm Debt Adjustment Board, as well as having participated actively in many other civic enterprises; and

WHEREAS, George A. Clarke is presently Chairman of the Assembly Committee on Agriculture, member of the Committee on Livestock and Dairies, on Conservation, Planning, and Public Works, and on Ways and Means, as well as Chairman of the Assembly Interim Committee on Agriculture, a member of the Assembly Interim Committee on Ways and Means, Chairman of the Northern California Subcommittee on the Joint Legislative Committee on Agriculture and Livestock Problems, and a member of the Interstate Cooperation Commission; and

WHEREAS, Because of the statesmanlike work which he has accomplished in this Legislature, his conduct based upon strict adherence to moral principle, his great ability, his kindliness, helpfulness, and understanding, and his long years of unquestioned personal integrity, George A. Clarke has won the complete confidence, affection, and abiding respect of his fellow legislators and all who know him, and enjoys a great and unique personal prestige in the Legislature of California which redounds in great benefit to the Legislature and to the people of his district and of the State of California; and

WHEREAS, In the field of his private business enterprises, George A. Clarke has attained a similar success, and has also achieved and enjoyed a most felicitous family life, he and his wife, the former Mabel Chalfant, having reared four sons and two daughters to successful maturity, recently being honored upon the occasion of their Golden Wedding Anniversary by a celebration participated in by guests from the entire State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature of the State of California, hereby convey to Assemblyman George A. Clarke most hearty congratulations upon the honor conferred upon him by the Grand Lodge of the State of California, Free and Accepted Masons, in awarding to him the gold pin in confirmation and commemoration of 50 years of successful fraternal association and service, and also upon his record of achievement in this Legislature, and upon having attained in his own personal life so nearly the American ideal as a way of life, and extend to him best wishes for continued success and happiness through all the years yet to come; and be it further

Resolved, That the Secretary of the Senate is requested to transmit a suitably prepared copy of this resolution to the Honorable George A. Clarke, Member of the Assembly of the State of California, Thirty-first Assembly District.

CHAPTER 144

Senate Concurrent Resolution No. 73—Approving certain amendments to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twenty-first day of April, 1953.

[Filed with Secretary of State, May 20, 1953.]

City of Oakland. Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth, to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, as

set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA,
COUNTY OF ALAMEDA, } ss.
CITY OF OAKLAND.

Certificate

We, the undersigned, Clifford E. Rishell, Mayor of the City of Oakland, State of California, and Charles M. Don, City Clerk of said city, do hereby certify and declare as follows:

That the City of Oakland, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1911, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at an election held for that purpose on the eighth day of December, 1910, and approved by the Legislature of the State of California, by Senate Concurrent Resolution filed with the Secretary of State on the fifteenth day of February, 1911 (Statutes of 1911, p. 1551).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Oakland, being the legislative body of said City, on its own motion by its Resolution No. 29385 C. M. S. passed February 10, 1953, duly and regularly proposed and submitted to the qualified electors of said City, nine certain proposals designated as Propositions 1, 2, 3, 4, 5, 6, 7, 8, and 9, for amending the Charter of said City, to be voted upon by said qualified electors at a special municipal election called and held for that purpose in said City on the 21st day of April, 1953. That said special election was duly and regularly called, authorized and provided for by said Council of said City of Oakland by said aforementioned resolution, and that by said resolution said special election was duly and regularly consolidated with the Nominating Municipal Election to be held in said City on said date. That said consolidated Special Municipal Election was duly and regularly held in said City in accordance with the provisions of the Charter of the City of Oakland and in manner provided by law, after due notice given and published, with the said Nominating Municipal Election, on the 21st day of April, 1953, which said day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the aforementioned proposed amendments in the "Oakland Tribune," the official newspaper of said City.

That such proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Oakland,

on the 3rd day of March, 1953, in the "Oakland Tribune," a daily newspaper of general circulation published in said City of Oakland and the official newspaper of said City, and in each edition thereof, during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form, and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said City, in accordance with the Constitution of the State of California and the Charter of the City of Oakland; and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Oakland was published in said "Oakland Tribune," a newspaper of general circulation published in said City, on the 11th day of March, 1953, and on each day thereafter to and including the 21st day of April, 1953, the date of said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Oakland, the Council of said City provided for the formulation and printing of a statement not exceeding five hundred words in length, descriptive of and explaining the nature or purpose of said proposals to amend the Charter of said City; that a copy of said printed statement was mailed and distributed by the City Clerk of said City to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendments.

That as to each of the amendments to the Charter of the City of Oakland hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith, and that all provisions of law and of the Charter of the City of Oakland, applicable thereto have been fully conformed to and complied with.

That in accordance with the provisions of the Charter of the City of Oakland, and with the law in such cases made and provided, the Council of the City of Oakland, on the 24th day of April, 1953, at a meeting duly and regularly called and held at its usual place of meeting, which meeting was recessed to and reconvened on the 27th day of April, 1953, duly canvassed the returns of said consolidated elections, as certified by the election boards, and at a meeting of said Council duly and regularly called and held on the 27th day of April, 1953, at its usual place of meeting, said Council by its Resolution No. 29756 C. M. S., duly found, determined and declared that each of the said proposed amendments to the Charter of the City of Oakland, designated as Propositions 1, 2, 3, 4, 5, and 9, was ratified by a majority of the qualified electors of said City voting thereon, and that each of said proposed amendments to said charter designated as Propositions 6, 7, and 8, received less than a majority of the votes of the qualified electors voting thereon, and was not ratified; that the proposed amendments to the Charter of the

City of Oakland which were so ratified by a majority of the electors of said City, are in words and figures as follows:

Amend Section 64 of the Charter to read as follows:

DIRECTORS—APPOINTMENT, REMOVAL.

Sec. 64. The Board of Park Directors heretofore established by this Charter shall be continued in effect; provided, however, that from and after July 1, 1953, the said Board shall consist of five members. The two new members shall be appointed as in this section provided, except that one shall be appointed for a term expiring June 30, 1956, and one for a term expiring June 30, 1958. The office of Director shall be filled by appointment thereto by the Council, upon nomination by the Mayor. At the expiration of any of the terms of the office of Director, one person shall be appointed for six years as the successor of such Director whose term of office so expires. Vacancies in the office of Park Director shall be filled by appointment in the same manner for the unexpired term. In case of misconduct, inability or wilful neglect in the performance of the duties of the office, by any Director, such Director may be removed from office by the Council by an affirmative vote of six members, but such Director shall be given an opportunity to be heard in defense and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses who shall be required to give testimony, if such Director so request. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such Director be removed, together with the findings of fact as made by the Council, shall be filed by the Council with the City Clerk and shall be and become a matter of public record.

Board of Park Directors

Amend Section 70 of the Charter to read as follows:

BOARD—APPOINTMENT OF.

Sec. 70. The Civil Service Board heretofore established by this Charter shall be continued in effect; provided, however, that from and after July 1, 1953 the said Board shall consist of five members. The two new members shall be appointed as in this section provided, except that one shall be appointed for a term expiring June 30, 1956 and one for a term expiring June 30, 1958.

Civil Service Board

At the expiration of the terms of any of the members of the said Board, one member shall be appointed by the Council, upon nomination by the Mayor, for a term of six years to take the place of the member whose term shall have expired. If a vacancy occur in the Board, it shall be filled by appointment by the Council, upon the nomination by the Mayor, for the unexpired term.

Each member of the Civil Service Board shall receive Ten Dollars ($10.00) for each meeting of the Civil Service Board which he shall attend, provided that he shall not receive more than Forty Dollars ($40.00) in any one month.

Add Subsection (1.1) to, and amend Subsections (3) and (4) of, Section 33 of the Charter to read as follows:

DEFINITIONS.

Definitions

(1.1) The following words and phrases as used in this Section, unless a different meaning is plainly required by the context, shall have the following meaning:

"Retirement allowance," or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the Labor Code of the State of California, shall mean all remuneration, whether in cash or by other allowances made by the City for service qualifying for credit under the Retirement System; provided that when the compensation of a member is a factor in any computation to be made under this System, there shall be excluded from such computation any compensation based on overtime put in by a member. For the purpose of this System, overtime is the aggregate service performed by an employee as a member in all positions, in excess of the hours of work considered normal for employees on a full-time basis and for which monetary compensation is paid.

"Compensation earnable" shall mean the monthly compensation as determined by the Board of Administration, which would have been earned by the member had he worked, throughout the period under consideration, the average time ordinarily worked by persons in the same grade or class of positions as the positions held by him during such period and at the rate of pay attached to such positions. The computation for any absence of a member shall be based on the compensation earnable by him at the beginning of the absence, and that for time prior to entering the employ of the City, shall be based on the compensation earnable by him in the position first held by him in such employ.

"Benefit" shall include "allowance," "retirement allowance," and "death benefit."

"Accumulated normal contributions" shall mean the sum of all contributions plus interest.

"Accumulated additional contributions" shall mean the sum of all additional contributions plus interest.

"Accumulated contributions" shall mean accumulated normal contributions plus accumulated additional contributions.

"Final compensation" means the highest average compensation earnable by a member during any period of five consecutive years of service; compensation earnable to be computed as described in the definition of "compensation earnable". For the purposes of this paragraph, periods of service separated by breaks in service may be aggregated to constitute a period of five consecutive years, if the periods of service are consecutive

except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in the computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in the computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in the computation of final compensation.

"Member" means any officer or employee who is included in the membership of this Retirement System.

"Retirement System" or "System" shall mean Oakland Municipal Employees' Retirement System as heretofore created under authority granted in this Section, said Retirement System being hereby continued in effect.

"Board" or "Retirement Board" shall mean board of administration as created in this Section.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the Retirement Board.

"Service" shall mean any service rendered prior to July 1, 1939, as an employee of the City of Oakland, which for the purpose of this System is designated as "prior service"; and any service rendered after June 30, 1939, in a status requisite for membership in the Retirement System, but only prior service and service rendered as a member of the Retirement System shall be credited under the System.

This Subsection shall become effective on July 1, 1953, or the 1st day of the month next following approval by the Legislature, whichever is later.

WHO MAY BE RETIRED—RETIREMENT BENEFITS.

Retirement Eligibility and benefits

(3) Any member who completes at least twenty years of service in the aggregate with which he is entitled to be credited under the System, and attains the age of fifty-two years, or completes at least 10 years of such service and attains the age of sixty years, may retire for service at his option. Members shall be retired for service on the first day of the month next following the attainment by them of the age of seventy years, regardless of length of service. Upon retirement for service after the effective date hereof, a member shall receive a service retirement allowance equal to the fraction of one-sixtieth of his final compensation, set forth opposite his age at retirement, taken and applied by interpolation of said fractions to the preceding completed quarter year of age, in the following table

in the column applicable to his sex, multiplied by the number of years of service with which he is entitled to be credited:

Age at Retirement	Fraction Men	Fraction Women
52	.6120636	.6352571
53	.6477249	.6692856
54	.6862515	.7059143
55	.7279876	.7454909
56	.7732616	.7882855
57	.8225384	.8346370
58	.8764127	.8850589
59	.9354005	.9399551
60	1.0000000	1.0000000
61	1.0564648	1.0569430
62	1.1156446	1.1169496
63	1.1782066	1.1807488
64	1.2444586	1.2487750
65 and over	1.3147929	1.3216755

The fractions herein set forth at ages other than age 60 are based on the interest rate and mortality tables used under the Retirement System on the effective date hereof, and shall be adjusted by the Board in accordance with such interest and mortality tables as the Board may adopt thereafter.

The Retirement System also shall provide for retirement for disability after ten years of service credited under the System, and before age 60, and for death benefits for members of the System. The City Council also shall provide that a member retiring may elect, before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his allowance in a lesser allowance to be received by him throughout his life and in other benefits payable after his death to another person, including an allowance throughout the life of such person.

For the purpose of this Section, the qualifying ten year periods of service shall be accumulated during any continuous periods of not more than twelve years, provided any absence from or return to actual service during such twelve-year periods is approved by the Civil Service Board in the case of persons in the classified civil service or by the City Council in the case of other persons within the Retirement System.

This Subsection shall become effective on July 1, 1953, or the 1st day of the month next following approval by the Legislature, whichever is later.

MEMBERS' AND CITY'S CONTRIBUTIONS.

Same: Contributions

(4) Contributions to the Retirement System, required of members and the City, shall be as follows:

(a) The normal rate of contribution of each member as determined by the actuary and approved by the Board and to be effective on the effective date hereof, shall be based on his

nearest age at the effective date of his membership in the Retirement System, and if effective from the effective date of his membership, shall be such as, on the average for such member, will provide, assuming service without interruption from said effective date until retirement, one-half of the portion of the service retirement allowance which is based on such service, and to which he would be entitled if retired at age sixty. The normal rate established for age 59 shall be the rate for any member who has attained a greater age before entrance into the System, and that established for age 20 shall be the rate for any member who enters the System at a lesser age. Members' normal rates of contributions shall be changed by the Board on the basis of the periodical actuarial valuation and investigation provided by the Charter. No adjustment shall be included in members' normal rates because of time during which they have contributed at different rates.

(b) There shall be deducted from each payment of compensation made to a member, a sum determined by applying the member's normal rate of contribution to such compensation. The sum so deducted shall be paid forthwith to the Retirement System, and shall be credited to the individual account of the member from whose compensation it was deducted, and the total of said contributions, together with interest credited thereon, shall be applied to provide part of the retirement allowance granted to said member; or said total of said contributions, together with interest credited thereon shall be paid to said member upon termination of his employment by the City prior to retirement, or to his estate or beneficiary upon his death, in the manner provided by the City Council. The City Council, however, shall provide for election by members who are entitled to be credited with at least 10 years of service and whose employment is terminated by cause other than death or retirement, to allow their accumulated contributions to remain in the Retirement Fund, to continue as members of the System and to be subject to the same age and disability requirements as apply to other members for service or disability retirement, but they shall not be subject to a minimum service requirement, and the minimum retirement allowances shall not apply to them, unless they meet such minimum service requirement. Subject to rules prescribed by the Board, any member may elect to make contributions in excess of his contributions herein required, for the purpose of providing additional benefits, and benefits provided hereunder for such member shall be exclusive of such additional benefits. The exercise of this privilege by a member shall not require the City to make any contributions. Additional contributions shall be administered in the same manner as normal contributions.

(c) Contributions deducted prior to the effective date hereof, from compensation of members of the System, and standing with interest thereon, to the credit of such members on the records of the Retirement System on said date, shall continue to be credited to the individual accounts of said members and shall

be combined with and administered in all respects in the same manner as the contributions deducted after said date.

(d) The total contributions, with interest thereon, made by or charged against the City and standing to its credit, on the effective date hereof, in the accounts of the Retirement System, shall be applied to provide part of the benefits under this System.

(e) The City shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this Section 33, to provide the benefits payable under the System. Such contributions of the City to provide the portion of the benefits hereunder which shall be based on service rendered prior to July 1, 1939, shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the City to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after July 1, 1939, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid to members during said year. Said percentage shall be the ratio of the value at the date of the periodical actuarial valuation and investigation into the experience under the System as provided by the Charter, of the benefits thereafter to be paid from contributions of the City, less the amount of such contributions, and plus accumulated interest thereon, then held by said System to provide said benefits on account of service rendered by respective members on and after July 1, 1939 to the value at said date of compensation thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed by the Board on the basis of said values determined in said periodical actuarial valuation and investigation into the experience under the System. The initial percentage to be used under this Section, shall be six and eighty-four hundredths per cent (6.84%) until redetermined by the Board of Administration on the basis of the periodical investigation and actuarial valuation under the System.

This Subsection shall become effective on July 1, 1953, or the 1st day of the month next following approval by the Legislature, whichever is later.

Add a new Section 51 (41a) to, and amend Section 214 of, the Charter to read as follows:

LEASES

Leases

Sec. 51 (41a). Notwithstanding any other provision of this Charter to the contrary the City Council, or Board of Port Commissioners, as the jurisdiction may be, shall have power to provide for the lease of any land now or hereafter owned or controlled by the City for a term of not to exceed fifty years All

leases shall be made upon written competitive bids to the highest responsible bidder at the highest rent, after publication of notice thereof for five days, stating explicitly the time and conditions of the proposed lease. The Council or Board of Port Commissioners may in its discretion reject any and all bids.

Sec. 214. The Board shall not make or enter into any lease of any properties belonging to or possessed by the City of Oakland under its jurisdiction, except in accord with the manner and subject to the provisions of Section 51, Subdivision 41a of this Charter, and all powers and duties therein imposed upon the Council are hereby conferred and imposed upon the Board and provided further that all leases made shall be subject to the referendum provisions of this Charter.

Add a new Section 19½ to the Charter to read as follows:

AUDITOR-CONTROLLER. SALARY.

Auditor-controller salary

Sec. 19½. The office existing prior to adoption of this section as "Auditor" shall henceforth exist under the title and designation of "Auditor-Controller". Wherever in this Charter the word "Auditor" shall appear it shall be changed to "Auditor-Controller".

The provisions of this section relative to change of office title are for that limited purpose only, and shall in no manner affect the continuity of the existing office, tenures, funds, powers, existing agreements or other business of the department or the City.

Notwithstanding the provisions of Section 19 or any other provisions of this Charter, from and after July 1, 1953 the salary of the Auditor-Controller shall be fixed by the City Council, and the Auditor-Controller shall devote his entire time to the duties of his office.

Amend Section 222 of the Charter and renumber it Section 222 (2), add Sections 222 (1) and 222 (3) to the Charter, amend Section 223 of the Charter and renumber it Section 223 (1), and add Sections 223 (2) to 223 (10), both inclusive, to the Charter to read as follows:

ALLOCATION OF FUNDS.

Transportation facilities

Sec. 222 (1). All port facilities, airport facilities and terminal facilities of any kind or character are hereby consolidated and shall be operated as a single project by the Board in the interest of transportation by land, by sea and by air, it being hereby found and determined that transportation facilities of all classes implement and augment each other to such an extent that the same must in the public interest be operated singly and under one central supervision and control. Wherever in this Charter the terms "port", "project", or "terminal facilities" are used, the same shall include all facilities under the jurisdiction of the Board, irrespective of whether the same shall be port or airport facilities.

Allocation of funds

Sec. 222 (2). All moneys once apportioned or appropriated to the Board, including, without limiting the generality of the foregoing, all moneys heretofore apportioned or appropriated to and now under the control of the Board, shall be and remain

under the control and order of and shall be expended by the Board for the purpose for which apportioned or appropriated and shall be kept separate and apart from all other moneys of the City or the Board. All surplus moneys which, in the judgment of the Board, are not needed for the purpose for which apportioned or appropriated, shall be allocated to and deposited in the Revenue Fund provided for in Sec. 222 (3).

Port Revenue Fund Uses

Sec. 222 (3). All income and revenue from the operation of the port or from the facilities of the port, of whatever kind or nature, and all net income from leases or any other source of income or revenue, including, without limiting the generality of the foregoing, all such income and revenue now under the control of the Board, shall be and remain under the control and order of and shall be expended by the Board; provided that all such income and revenue shall be allocated to and deposited in a special fund in the City Treasury (which is hereby created) designated "Port Revenue Fund" and shall be kept separate and apart from all other moneys of the City or the Board and shall be used and applied for the following purposes and in the following order of priority, to wit:

First: For the payment, as the same become due and payable, of the principal of and interest on any or all general obligation bonds of the City of Oakland heretofore and hereafter issued for port purposes, but only to the extent required by the Constitution of the State of California or otherwise as determined by resolution of the Board.

Second: For the payment of the principal of and interest on revenue bonds, or other evidences of indebtedness payable solely from revenues as in Sec. 223 provided, which are due or become due during the fiscal year in which the revenues in said funds, or either thereof, are received or are to be received, together with reserve fund payments, sinking fund payments or similar charges in connection with such revenue bonds due or to become due in such fiscal year, including all payments required to be made pursuant to the terms of any resolution authorizing the issuance of revenue bonds, or required by the terms of the contract created by or upon the issuance of revenue bonds.

Third: For the payment of all costs of maintenance and operation of the facilities from or on account of which such money was received. General costs of administration and overhead of the Board not directly chargeable to each facility under its control shall be apportioned fairly by the Board, upon such reasonable basis as it may determine, to each such facility.

Fourth: For defraying the expenses of any pension or retirement system applicable to the employees of the Board.

Fifth: For necessary additions, betterments, improvements, repairs or enlargements of any facilities, and, to the extent determined by a resolution or resolutions of the Board, for replacements, renewals or reconstruction of any facilities.

Sixth: For establishing and maintaining reserve or other funds to insure the payment on or before maturity of any or all general obligation bonds of the City now outstanding or here-

after issued for any facility under the control of the Board, but only to the extent required by the Constitution of the State of California or otherwise as determined by resolution of the Board.

Seventh: For establishing and maintaining reserve or other funds to insure the payment on or before maturity of any or all revenue bonds of the Board hereafter issued.

Eighth: For establishing and maintaining such other reserve funds pertaining to the facilities of the Board as shall be determined by a resolution or resolutions of the Board.

Ninth: For transfer to the General Fund of the City, to the extent that the Board shall determine that surplus moneys exist in such fund which are not then needed for any of the purposes above stated.

FINANCING OF HARBOR AND AIRPORT OPERATIONS

Port of Oakland: General obligation bonds

Sec. 223 (1). General Obligation Bonds of the City. The City of Oakland may from time to time incur general obligation bonded indebtedness in the manner provided by law for the acquisition, construction or completion of any port facilities or improvements of the Port of Oakland, including land, rights of way and air easements. The proceeds from the sale of any general obligation bonds now authorized, or which may hereafter be authorized, for any such purposes, shall be under the control of, and shall be expended by, the Board for the objects and purposes for which such general obligation bonded indebtedness was incurred. Whenever, in the opinion of the Board, it is desirable for the City of Oakland to incur additional general obligation bonded indebtedness for any project within the jurisdiction or control of the Board, the Board shall prepare tentative plans, estimates and bond retirement schedules and submit its recommendations in writing to the City Council, which shall thereupon take such action as it deems advisable to reject or carry out such recommendations.

Same Revenue bonds

Sec. 223 (2). Revenue Bonds of the Board. In addition to all powers herein granted to the City of Oakland, and as an alternative procedure for the financing of harbor and airport improvements, the Board is authorized to issue revenue bonds payable exclusively from the revenues of a project as in this Section 223 defined and such revenue bonds shall not constitute a debt, liability or obligation of the City of Oakland and shall be payable exclusively from revenues, and other funds (including interest thereon) which may be established as additional security for said revenue bonds, as in this Section 223 provided.

Financing methods

Sec. 223 (3). Methods of Financing Not Exclusive. Nothing in this Section 223 contained shall in any way abridge, control, limit, restrict or revoke the power of the electors of the City of Oakland to vote for and cause to be authorized and issued general obligation bonds of the City of Oakland for the acquisition, construction or completion of any project herein defined, or any additions thereto or betterments or improvements thereof, irrespective of whether or not revenue bonds

for such purpose have been, or may thereafter be issued hereunder, and nothing herein contained shall prevent the financing of any project or any additions, betterments or improvements thereof from any other funds which may be legally available for that purpose. Revenue bonds authorized to be issued hereunder shall not be subject to charter limitations as to the amount of general obligation bonded indebtedness of the City of Oakland, nor be taken into consideration in determining the amount of general obligation bonded indebtedness which the City of Oakland is authorized to incur, and the issuance of revenue bonds as in this Section 223 provided shall be deemed to constitute a supplemental and additional method of providing funds for the financing of harbor and airport improvements. Such revenue bonds shall be issued in the name of the Board of Port Commissioners of the City of Oakland and shall constitute obligations only of the Board, payable in accordance with their terms from revenues of any project, as in this Section 223 authorized.

Definitions

Sec. 223 (4). Definitions. The following terms whenever used or referred to in this Section 223, or in any resolution authorizing the issuance of revenue bonds, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) Revenue Bonds. The term "revenue bonds" means the written evidence of any obligation issued by the Board, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this Section, in order to obtain funds with which to carry out any of the purposes of this Section, irrespective of the form of such obligation.

(b) Project. The term "project" means (i) any one or more, or all of, the harbor and port facilities referred to in Section 212 of this Charter and (ii) any airport facilities, the jurisdiction and control over which have been, or may hereafter be, vested in the Board by the City of Oakland; provided that the Board may limit or restrict the term "project" to any particular facility or facilities which may be designated by the Board as a specific project in any resolution of issue for the purpose in such resolution provided.

(c) Revenues. The term "revenues" means and includes any and all rates, tolls, fees, rentals and other charges received or receivable in connection with, and any and all income and receipts of whatever kind and character derived by the Board from, the operation of a project, or arising from a project, including any such revenues as may have been or may be impounded or deposited in any fund created for the security or further protection of revenue bonds or for the purpose of providing for the payment of the principal thereof or the interest thereon. The term "revenues" also includes net revenues from any existing facilities under the jurisdiction of the Board to the extent that the same shall be pledged or otherwise made available for the payment of principal and interest of revenue

bonds or as security or further protection for revenue bonds issued by the Board.

(d) Resolution of Issue. The term "resolution of issue" means any agreement entered into by the Board, including any resolution adopted by the Board, pursuant to which revenue bonds are issued, and includes any agreement entered into or resolution adopted by the Board amending, modifying or supplementing a resolution of issue irrespective of the form thereof.

Rates, etc

Sec. 223 (5). Rates, Tolls and Charges. Without limiting any power in this Charter conferred upon the Board, the Board has power for any of the purposes of this Section 223 to fix rates, tolls, fees, rentals or charges for the use of the facilities provided by any project, or for any services rendered in connection therewith, and to alter, change or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the Board with respect to the fixing of such rates, tolls, fees, rentals or other charges; and, by a resolution of issue or otherwise, to enter into covenants to increase rates, tolls, fees, rentals or other charges from time to time; provided, however, that any person shall be permitted to use or operate any facilities provided by any project only upon payment of the regularly established charge therefor, except as may be otherwise specifically provided in a resolution of issue. All rates, fees, rentals and other charges shall be paid only in such coin or currency as on the date of payment is legal tender for public and private debts.

Resolution of issue

Sec. 223 (6). Authorization of Revenue Bonds. Each issue of revenue bonds shall be authorized by the Board by a resolution of issue adopted by the affirmative votes of at least four (4) members of the Board at a duly assembled meeting. Each resolution of issue shall prescribe the purpose or purposes for which, and the terms and conditions on which, said revenue bonds are to be issued.

Revenue bonds

Sec. 223 (7). Provisions Relating to Revenue Bonds. The Board shall have power to determine all of the terms and conditions of the issuance and sale of revenue bonds pursuant to this Section 223, and without limiting in any way the generality of such power, the Board is expressly authorized in its discretion to provide, in connection with any issue of such revenue bonds, as follows:

(a) Series and Divisions. Revenue bonds may be issued in series, and any issue may be divided into one or more series or divisions with different maturities or dates for each series or division, different rates of interest and different terms and conditions for the bonds of the several series or divisions. Revenue bonds of the same authorized issue need not be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof in each case shall be as provided for by the Board.

(b) Form and Date of Bonds. Bonds shall be of such form and tenor and shall bear such date or dates as may be prescribed by the resolution of issue.

(c) Maturity. Bonds may be serial bonds or sinking fund bonds with such maturity or maturities as shall be provided in the resolution of issue. No bond by its terms shall mature in more than forty (40) years from its own date and, in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date of each such series or division shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

(d) Interest. Bonds shall bear interest at a rate of not to exceed six (6) per cent. per annum, payable annually or semi-annually, or in part annually and in part semi-annually.

(e) Coupon or Registered Bonds. Bonds may be issued as coupon bonds or as registered bonds, with or without coupons, with appropriate provisions for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds; bonds may be registered as to principal only, or as to both principal and interest; and new bonds or coupons may be issued in place of bonds or coupons which have been surrendered and cancelled whenever appropriate as incidental to the discharge of any bond from registration; all on such terms and conditions, and at such place or places, within or without the State of California, as the Board may determine.

(f) Redemption. Bonds may be callable upon such terms and conditions, at the option of the Board or by operation of any sinking fund, and upon such notice as the resolution of issue shall prescribe and upon payment of such premium (not exceeding six (6) per cent. of the par value of such bonds) as may be fixed in the resolution of issue. No bond shall be subject to call or redemption prior to its fixed maturity date, unless the right to exercise such call is expressly stated on the face of the bonds.

(g) Source of Payment. All revenue bonds shall be payable exclusively from revenues as more particularly defined in the resolution of issue.

(h) Reference on Bonds to Resolution of Issue. Reference on the face of a revenue bond to the resolution of issue by its date of adoption shall be sufficient to incorporate all of the provisions thereof and of this Section 223 into the body of said revenue bond and its appurtenant coupons and each taker and subsequent holder of a revenue bond or coupons, whether such coupons are attached to or detached from said revenue bond, shall have recourse to all of the provisions of the resolution of issue and of this Section 223 and shall be bound thereby.

(i) Recital in Bonds. Bonds may contain a recital that all acts, conditions and things required to exist, to happen and to be performed, precedent to and in the issuance of the bonds have existed, happened and been performed in due time, form

and manner as required by law and this Charter, all of which facts the Board is authorized to find and determine prior to the issuance of the bonds. Revenue bonds shall also contain a recital on their face that neither the payment of principal of nor of interest on such bonds constitutes a debt, liability or obligation of the City of Oakland.

(j) Place and Manner of Payment. The principal of and interest on bonds may be payable at any one or more places within or without the State of California and in any specified coin or currency of the United States of America, as may be provided in the resolution of issue.

(k) Execution and Authentication of Bonds; Validity of Signatures and Countersignatures. Bonds may be executed and authenticated by the manual, lithographed or printed facsimile signature of any officer or officers of the Board and may also be authenticated by a trustee or fiscal agent appointed by the Board. If any of the officers whose signatures or countersignatures appear on the bonds cease to be officers before the delivery of the bonds or coupons to the purchasers thereof, their signatures or countersignatures shall nevertheless be valid and of the same force and effect as if such officers had remained in office until the delivery of the bonds and coupons.

(*l*) Issuance of Temporary Bonds. Pending the actual issuance or delivery of definitive bonds, the Board may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, and with such provisions as the Board shall determine, to be exchanged for definitive bonds when ready for delivery. In the absence of an express recital on its face that a temporary bond or interim receipt is non-negotiable, such bond or interim receipt is a negotiable instrument.

(m) Replacement of Lost, Destroyed, Mutilated or Stolen Bonds. Lost, destroyed, mutilated or stolen bonds or coupons may be replaced as provided in the resolution of issue.

(n) Security. All revenue bonds shall be secured by an exclusive pledge and charge upon all or a portion of the gross revenues of any project for or in connection with which said revenue bonds are issued or authorized to be issued, including revenues of any existing facilities, all as provided for in the resolution of issue. Gross revenues of a project may include revenues from additions, betterments, improvements and extensions of such project later constructed or acquired. The gross revenues of a project and any interest earned on the gross revenues of such project shall constitute a trust fund for the security and payment of the principal of and interest on the revenue bonds and so long as any revenue bonds or interest thereon are unpaid said revenues and interest shall not be used for any other purpose; provided, however, that a resolution of issue may provide that if the principal of and interest on the bonds and all charges to protect and secure them are paid when due, an amount for the maintenance and operation costs of a

project may be apportioned from revenues, but only to the extent specified in the resolution of issue.

(o) Revenue Bonds of same Issue to be Equally Secured. Revenue bonds of the same issue shall be equally secured by a pledge and charge upon revenues, without preference or priority by reason of number, date of bonds, or date of sale, execution, or delivery of bonds; except that if the Board authorizes the issuance of bonds of different series it may provide that the bonds in any series shall, to the extent and in the manner prescribed in the resolution of issue, be subordinated and be junior in standing with respect to the payment of principal and interest and the security thereof to such other bonds as may be specified in the resolution of issue.

(p) Refunding Bonds. Refunding bonds may be issued and sold or exchanged for the purpose of redeeming, retiring or refunding any revenue bonds issued under this Section 223, subject to any limitations contained in the resolution of issue pursuant to which such revenue bonds are issued. All provisions of this Section applicable to the issuance of revenue bonds shall be applicable to the refunding bonds and to the issuance, sale or exchange thereof. Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be refunded thereby, and, in addition, for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds and the issuance of such refunding bonds. Such expenses may include the difference in amount between the par value of the refunding bonds and any amount less than par for which the refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such refunding bonds from the date of sale thereof to the date of payment of the bonds to be refunded, or to the date upon which the bonds to be refunded will be paid pursuant to call thereof, and also the premium, if any, necessary to be paid in order to call and retire the outstanding bonds and the interest accruing thereon to the date of call or retirement.

(q) Validity of Revenue Bonds not Affected by Actions of City or Board Relative to Project. The validity of the authorization and issuance of any revenue bonds by the Board shall not be dependent on or affected in any way by:

(i) Proceedings taken by the City or the Board for the acquisition, construction or completion of any project or any part thereof;

(ii) Any contracts made in connection with the acquisition, construction or completion of any project; or

(iii) The failure to complete any project for which bonds are authorized to be issued.

(r) Sale of Revenue Bonds. Notice inviting sealed bids shall be given in such manner as the Board may prescribe prior to any sale of revenue bonds. 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 Board may sell bonds at a price below the par or face value thereof, provided that the maximum net interest cost (computed on a 360-day year basis) on bonds sold below par or face value shall not exceed an average of six (6) per cent. per annum, payable semi-annually, to the respective maturity dates of said bonds.

(s) Payment of Incidental Expenses and Interest and Creation of Funds from Proceeds of Sale of Revenue Bonds. All costs and expenses incidental to the issuance and sale of revenue bonds, including the cost of preparation of the revenue bonds and coupons, the cost of all surveys, of preparation of plans and specifications, of all architectural, engineering, inspection, legal, financial and economic consultant's, trustee's and fiscal agent's fees, the creation of a bond reserve fund, the creation of a working capital fund, and bond interest estimated to accrue during the period of acquisition or construction of a project and for a period of not to exceed three (3) years thereafter, all as provided for in the resolution of issue, may be paid out of the proceeds of sale of the revenue bonds.

Sec. 223 (8). Provisions Relating to Resolutions of Issue. The Board is hereby further authorized in its discretion to provide in and by each resolution of issue which may be adopted by the Board as follows: Resolution of issue

(a) Construction Fund. The proceeds of sale of revenue bonds shall either be deposited in a fund separate and apart from all other funds of the City and the Board or paid direct to any bank or trust company designated by the Board as its fiscal agent, and said proceeds shall be held either by the City or such fiscal agent in a separate account to be designated the "Construction Fund" and be disbursed in the manner and upon the conditions provided in the resolution of issue for the object and purpose of the acquisition, construction and completion of the project therein designated, or for additions, betterments or improvements thereof, including the payment of all incidental expenses and interest and the creation of funds as provided for in subparagraph (s) of paragraph 7 of this Section 223. Moneys in any construction fund may be invested as the Board in its sole discretion shall determine, subject only to such limitations as may be provided in the resolution of issue. Moneys in a construction fund remaining unexpended after said object and purpose shall have been completed may be applied to the payment of the principal of and interest on said revenue bonds, and none of said moneys may be transferred to any other fund of the City or the Board or used for any purpose other than as specified in the resolution of issue.

(b) Continuous Operation of Project; Repairs, Renewals and Replacements. So long as any bonds thereby authorized shall be outstanding, the City and the Board shall operate the project designated in the resolution of issue continuously and in an efficient and economical manner and in good working

order and condition and shall make all necessary repairs, improvements and replacements; provided that the Board in its discretion may, subject to the terms of any resolution of issue. abandon or discontinue operation of any one or more facilities comprising a part of a project.

(c) Rates, Fees and Other Charges. The Board will prescribe, revise and collect rates, tolls, fees, rentals and charges for use of the facilities provided by the project, the revenues from which are pledged to secure the bonds; and the Board will provide that such rates, tolls, fees, rentals and charges shall at all times be sufficient to yield revenues from such project and from any existing facilities the revenues from which are pledged to secure any bonds equal to all redemption payments and interest charges on said revenue bonds as the same fall due, together with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the security or further protection of said revenue bonds, or as a depreciation charge or other charge in connection with such project, and that such rates, tolls, fees and charges shall not be reduced below an amount sufficient to provide funds to meet all obligations specified in the resolution of issue.

(d) Holding and Application of Revenues. The Board shall be required to hold or cause to be held in trust the revenues pledged to the payment of the principal of and interest on the bonds issued pursuant to said resolution of issue, or to any reserve or other fund created for the security or further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the resolution of issue.

(e) Preservation and Protection of Security of Bonds. The Board shall be required to preserve and protect the security of the bonds issued thereunder and the rights of the holders and to warrant and defend such rights and, also, to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon revenues, or which might impair the security of any revenue bonds. Any right, power or privilege of the City or the Board to mortgage or otherwise encumber, or to sell, lease or dispose of a project or to enter into any lease or agreement which impairs or impedes the operation of a project or of any part thereof necessary to provide adequate revenues, or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues, may be limited, restricted or prohibited except upon such terms and conditions as may be provided in the resolution of issue.

(f) Proceeds of Project Taken by Eminent Domain. If any part of a project shall be taken by eminent domain or other proceeding authorized by law, the proceeds to the City or the Board therefrom shall be applied to the replacement of such project or to the payment and retirement of the bonds or otherwise as set forth in said resolution of issue.

(g) Insurance. Insurance of specified kinds and amounts shall be maintained by the Board on a project, or any part thereof (including insurance of any project against loss of revenues from any cause whatsoever, against public liability or property damage and against loss by fire or any other hazard, as may be provided in any resolution of issue). The premiums thereon shall be paid by the Board from revenues, or other specified funds or sources of income, and the use and disposition of proceeds of any such insurance thereafter collected shall be as specified in such resolution.

(h) Books, Records and Accounts.

(i) The Board will keep accurate books and records of account showing all revenues received from the operation of any project and all expenditures thereof, and all revenues from any facilities pledged or otherwise made available as security or as further protection for the revenue bonds issued pursuant to said resolution of issue.

(ii) All such books and records shall be be open at all times during business hours to the inspection of the holders of one or more of the bonds or of any specified percentage of such holders or their duly authorized representatives.

(iii) Annual or other periodic statements of the condition of such project and of all of said other revenues will be furnished to the holders of the bonds or to the trustee or fiscal agent hereinafter provided for, or to any designated percentage of the holders of the bonds.

(iv) Summaries of all such statements will be published at least annually in the official newspaper of the City.

(v) The books and records of the City and the Board pertaining to the operation of any project and to all of said other revenues shall be audited by independent public accountants in such manner and under such circumstances as may be set forth in the resolution of issue.

(i) Trustee; Fiscal Agent; Paying Agents. A bank or trust company qualified to do business in the State of California shall be appointed as a trustee or fiscal agent for the Board and holders of bonds issued under said resolution of issue, and any such trustee may be authorized to act on behalf of the holders of the bonds or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders. The Board may be authorized to designate any bank or trust company in any city in which any bonds are made payable as the Board's paying agent in such city, and may fix and determine the conditions upon which any trustee, fiscal agent or paying agent shall receive, hold or disburse any or all revenues deposited with it by or by authority of the Board. A resolution of issue may prescribe the duties and powers, if any, of any such trustee, fiscal agent or paying agent with respect to the issuance, authentication, sale and delivery of the bonds, the payment of the principal thereof and interest thereon, the redemption thereof, the registration and discharge from registration of bonds and the man-

agement of any funds provided for in the resolution of issue as security for the bonds.

(j) Competitive Projects. Neither the City nor the Board shall, while any revenue bonds authorized by this Section 223 are issued or outstanding, acquire, construct, complete or maintain any projects or facilities or places within or without the City of Oakland, which compete in any way with any project or which are similar to any facilities or projects maintained or operated by the City or the Board through the issuance of revenue bonds pursuant to this Section 223.

(k) Limitation on Additional Indebtedness. The incurring of additional indebtedness payable in whole or in part from the revenues charged with payment of the revenue bonds issued pursuant to such resolution of issue shall be limited, restricted or prohibited as provided in such resolution.

(*l*) Events of Default. The rights, limitations, powers and duties arising upon breach by the Board of any of its covenants, agreements or obligations shall be as contained in the resolution of issue, which may also provide the terms and conditions upon which all bonds issued thereunder may be declared or become due and payable prior to maturity and the terms and conditions upon which such declaration and its consequences may be waived.

(m) Amendment or Modification of Resolution of Issue. A resolution of issue may prescribe a procedure by which the terms and conditions of the bonds and the resolution of issue may be subsequently amended or modified with the consent of the Board and the vote or written assent of the holders of a specified principal amount or proportion of the bonds issued and outstanding, including provision for meetings with bondholders and the manner in which the consents of the bondholders may be given. A resolution of issue may set forth a specific statement of the effect of each such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto. If desired, a resolution of issue may contain a provision that bonds held by the Board or by the City or by the State of California or any public corporation, political subdivision, city, county, district or any agency of any thereof, shall not be counted as outstanding bonds or be entitled to vote or consent, but shall nevertheless be subject to any such amendment or modification.

(n) Use of Surplus. After all of the revenue bonds issued pursuant to a resolution of issue shall have been fully paid or discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in any construction fund or other fund provided for the security or further protection of the bonds may, subject to the limitations and restrictions in said resolution of issue, become subject to control of the Board and be expended by the Board for any lawful purpose.

(o) Additional Covenants and Agreements. The Board will take such other action and do such other things and make any and all such additional covenants and agreements as the Board shall

deem necessary or advisable for the better security of the bonds or to make the bonds more marketable.

Sec. 223. (9). Rights of Bondholders. Except as provided otherwise in any resolution of issue, the holder of any bond issued pursuant to this Section 223 may, by mandamus or other appropriate proceedings, require and compel the performance of any of the duties imposed upon the Board or the City or the Council or any official or employee of the Board or the City or assumed by any thereof in connection with the acquisition, construction, completion, operation, maintenance, repair, reconstruction or insurance of any project, or the collection, deposit, investment, application and disbursement of rates, fees and charges derived from the operation and use of any project and all other revenues, or in connection with the deposit, investment or disbursement of the proceeds received from the sale of the bonds under this Section. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this Section 223. Bondholders' rights

Sec. 223 (10). Section Confers Complete Authority. The provisions of this Section constitute full and complete authority for the issuance of revenue bonds as herein provided by the Board and no other procedure, or proceedings, consents, approvals, orders or permission from the Council or any municipal officer or board of the City of Oakland, shall be required for the acquisition, construction or completion of any project, or the issuance of any revenue bonds under this Section 223 except as specifically provided in this Section 223. The powers and authorities conferred by this Section are in addition to and supplemental to all other powers and authorities conferred upon the Board.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Oakland with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true and correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the said City of Oakland to be affixed hereto this 5th day of May, 1953.

CLIFFORD E. RISHELL
(SEAL) Mayor of the City of Oakland
CHARLES M. DON
City Clerk of the City of Oakland

WHEREAS, the said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article I of the Constitution of the State of California; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members Approval

elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Oakland as proposed to, and adopted and ratified by the electors of the said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of Oakland.

CHAPTER 145

Assembly Concurrent Resolution No. 78—Approving amendments to the charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the seventh day of April, 1953.

[Filed with Secretary of State, May 20, 1953.]

City of Berkeley Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments hereinafter set forth to the charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

Certificate

We, the undersigned, Laurance L. Cross, Mayor of the City of Berkeley, State of California, and Ruth C. Kemp, City Clerk of said City, do hereby certify as follows:

That the City of Berkeley, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned, was a City containing a population of more than 3,500 inhabitants, and has been ever since the 1st day of July, 1909, and now is organized and existing and acting under a freeholder's charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on the 30th day of January, 1909, and approved by the Legislature of the State of California by Assembly Concurrent Resolution filed with the Secretary of State on the 4th day of March, 1909 (Statutes 1909, pg. 1208).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on its own motion, the Council of the City of Berkeley, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City certain proposals designated as "Charter Amendments" to amend the Charter of said City and to be voted upon by said qualified electors at the regular

municipal election held in said City on the 7th day of April, 1953.

That said proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 23rd day of February, 1953, in the Berkeley Daily Gazette, a daily newspaper of general circulation published in said City of Berkeley and the official newspaper of said City, and in each edition thereof during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said City in accordance with the Constitution of the State of California and the Charter of the City of Berkeley; and an advertisement that copies thereof could be had by the application therefor at the office of the City Clerk of the City of Berkeley was published in said Berkeley Daily Gazette, a newspaper of general circulation published in said City, on the 24th day of February, 1953, and on each day thereafter to and including the 6th day of April, 1953, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said pamphlet containing said proposed Charter Amendments could be had upon application therefor at the office of the City Clerk of said City to and including the 7th day of April, 1953, the date fixed for said election.

That said regular municipal election was duly and regularly held in said City of Berkeley, after due notice given and published, on the 7th day of April, 1953, which day was not less than forty (40) days, nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed Charter Amendments in the Berkeley Daily Gazette, the official newspaper of said City.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized, that all of the amendments to the Charter of the City of Berkeley hereinafter set forth were ratified by a majority of the electors of said City voting thereon; that the Council of said City did by its Resolution No. 34, 104-N.S. duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said Charter Amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said Amendments to the Charter of the City of Berkeley so ratified by the electors of said City are in the words and figures as follows, to-wit:

CHARTER AMENDMENT NO. 1

That a new Article to be numbered Article XII A, comprising Sections 81 to 91, both inclusive, be added to the Charter of the City of Berkeley to read as follows:

Off-street parking.

Article XII A. Off-Street Vehicular Parking

Definitions

Section 81. Definitions. The following terms whenever used or referred to in this Article, or in any resolution of issue, shall have the following meanings, respectively, unless a different meaning appears from the context.

Section 81.1. Bonds. The term "bonds" or "revenue bonds" means the written evidence of any obligation issued by the City, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this Article, in order to obtain funds with which to carry out any of the purposes of this Article, irrespective of the form of such obligation.

Section 81.2. Project. The term "project" means any one or more off-street vehicular parking facilities referred to in Section 82 and designated by the City as a project in a resolution of issue.

Section 81.3. Existing Off-Street Parking Facilities. The term "existing off-street parking facilities" means and includes any off-street vehicular parking facilities now or hereafter owned by the City and operated or controlled by the City at the time of adoption of a resolution of issue and not theretofore designated by the City as a project in a resolution of issue and not acquired, constructed, established, improved, extended, maintained or operated, in whole or in part, from the proceeds of sale of any revenue bonds.

Section 81.4. Revenues. The term "revenues" means and includes any and all rates, fees and other charges received or receivable in connection with, and any and all income and receipts of whatever kind and character derived by the City from, the operation of a project, or arising from a project, including any such revenues as may have been or may be impounded or deposited in any fund created for the security or further protection of revenue bonds or for the purpose of providing for the payment of the principal thereof or the interest thereon. The term "revenues" also includes (a) net revenues from on-street parking meters within the City now owned or controlled or hereafter acquired or controlled by the City and (b) net revenues of any existing off-street parking facilities to the extent that net revenues from either or both of said sources shall be pledged or otherwise made available for the payment of operation and maintenance costs of any project or as security or further protection for bonds by a resolution of issue.

Section 81.5. Net Revenues. The term "net revenues" when used with reference to on-street parking meters within the City means and includes the gross revenues collected by the City during any fiscal year from the establishment and opera-

tion of such on-street parking meters after deducting therefrom the actual necessary costs and expenses of (a) the acquisition, installation, maintenance and replacement of such parking meters, (b) the collection of revenues therefrom and (c) enforcement of all parking meter ordinances and regulations, all calculated on sound accounting principles, but without any allowance for depreciation or obsolescence. The term "net revenues" when used with reference to any existing off-street parking facilities means and includes the gross revenues collected by the City during any fiscal year from the establishment and operation of such existing off-street parking facilities after deducting therefrom all taxes and payments in lieu of taxes payable with respect to such facilities and the actual necessary expenses of maintaining and operating such facilities, calculated on sound accounting principles, but without any allowance for depreciation or obsolescence.

Section 81.6. Resolution of Issue. The term "resolution of issue" means any agreement entered into by the Council, including any resolution adopted by the Council, pursuant to which revenue bonds are issued; and includes any agreement entered into or resolution adopted by the Council amending, modifying or supplementing a resolution of issue irrespective of the form thereof.

General powers

Section 82. General. The City of Berkeley, in addition to all other powers elsewhere enumerated in this Charter or granted to it by the Constitution or laws of the State of California, shall have power to acquire (whether by purchase, lease, eminent domain, or otherwise), construct, establish, improve, extend, maintain, operate, administer, lease and sublease off-street vehicular parking facilities and places within the City of Berkeley, including any and all public parking lots, garages, or other automotive parking facilities, in order to relieve traffic congestion and promote the welfare of the citizens and inhabitants of said City, and, for the payment of the cost thereof, to issue bonds payable from the revenues of any such off-street vehicular parking facilities and from other revenues, all as hereinafter provided in this Article.

Specific powers

Section 83. Grant of Power. Without limiting the generality of Section 82, the Council of the City of Berkeley for any of the purposes of this Article shall have the powers set forth in Sections 83.1 to 83.10, inclusive.

Section 83.1. Acquisition and Disposition of Property. To acquire, by grant, purchase, gift, devise, lease or by the exercise of right of eminent domain, and to hold, use, sell, lease, sublease or dispose of any real or personal property or any interest in any thereof, including rights-of-way, necessary or appropriate for the full exercise, or convenient or useful for the carrying on, of any of its powers pursuant to this Article.

Section 83.2. Acquisitions for Project Ingress and Egress. To acquire, by any of the means specified in the foregoing Section 83.1, any lands, property or rights-of-way necessary or convenient for the opening, widening, straightening and ex-

tending of streets or alleys necessary or convenient for the ingress to or egress from any project.

Section 83.3. Improvements. To improve any lands so acquired by the construction thereon of garages or other buildings or improvements necessary or convenient for any project.

Section 83.4. Control of Project. To construct, establish, improve, extend, maintain, operate, administer, lease and sublease any project.

Section 83.5. Rates, Fees and Charges. To fix rates, fees or charges for the use of the facilities provided by any project, or for any services rendered in connection therewith, and to alter, change or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the City with respect to the fixing of such rates, fees or charges; and, by a resolution of issue or otherwise, to enter into covenants to increase rates, fees or charges from time to time; provided, however, that any person shall be permitted to use or operate any facilities provided by any project only upon payment of the regularly established charge therefor, except as may be otherwise specifically provided in a resolution of issue. All rates, fees and charges shall be paid only in such coin or currency as on the date of payment is legal tender for public and private debts, or in scrip or tokens issued only upon payment of the face value thereof in such coin or currency.

Section 83.6. Issuance of Revenue Bonds. At any time and from time to time to issue revenue bonds in order to raise funds for the purpose of establishing any project or of acquiring lands for any project or of acquiring, constructing, completing, improving, extending, maintaining, operating or administering any project, or of refinancing any project, or for any combination of such purposes, which bonds may be secured as hereinafter provided.

Section 83.7. Agreements and Leases. To make contracts, leases, subleases and agreements relative to the acquisition, operation or maintenance of any project or any part of any project with any person, private corporation or public corporation, political subdivision, city, county, district, the State of California, or the United States of America, or any department or agency of any thereof, subject to any contractual obligation which may be entered into by the City with respect to the issuance of bonds.

Section 83.8. Lease of Space for Commercial Purposes. To rent or lease for commercial purposes space in any project which in the opinion of the Council is not and will not during the term of such lease be required for off-street vehicular parking facilities, provided that the aggregate of all such space so rented or leased at any one time in any project shall not exceed twenty per cent (20%) of the surface area of such project and that the term of any such rental or lease shall not exceed a period of five (5) years from its date.

Section 83.9. Rules and Regulations. To adopt such rules and regulations as may be necessary regarding the operation

and maintenance of any project and to enable the City to exercise the powers and perform the duties conferred or imposed by this Article.

Section 83.10. Miscellaneous. To do any and all acts or things necessary or appropriate to carry out the purposes of this Article and the provisions, covenants and agreements contained in any resolution of issue adopted pursuant to the authority conferred by this Article; provided that nothing in Sections 83 to 83.10, both inclusive, or elsewhere in this Article contained shall be construed directly or by implication to be in any way in derogation or in limitation of any powers conferred upon or existing in the City by virtue of the provisions of the Constitution or laws of the State of California or any other provision of this Charter.

Pledge of meter revenues

Section 84. Pledge of Net Parking Meter Revenues. In addition to all other powers elsewhere enumerated in this Article, the Council shall have power to pledge, place a charge upon, or otherwise make available and authorize payment of all or any part of the net revenues collected by the City from the establishment and operation of (a) on-street parking meters within the City now owned or controlled or hereafter acquired or controlled by the City, and (b) existing off-street parking facilities, for such periods of years as shall be determined by the Council, for the payment of operation and maintenance costs of any one or more projects authorized by this Article or as security or further protection for the payment of principal of and interest on bonds issued pursuant to this Article

Issues of bonds

Section 85. Issues of Bonds: Series and Divisions. The Council may provide for one or several issues of bonds and may issue bonds in series, or may divide any issue into one or more series or divisions and fix different maturities or dates for each series or division, different rates of interest, or different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the Council by a resolution of issue at the time of or prior to the issue thereof.

Resolution of issue

Section 85.1. Authorization of Revenue Bonds. Each issue of revenue bonds shall be authorized by the Council by a resolution of issue adopted by affirmative votes of at least five (5) members of the Council at a duly assembled meeting. Resolutions of issue shall provide for the aggregate principal amount, date or dates, maturities, interest rates, denominations and form, and may provide for the registration, transfer and interchange, of any revenue bonds and coupons issued pursuant to this Article; and shall prescribe the purpose or purposes for which said bonds are to be issued and the terms and conditions on which said bonds are to be executed, issued, secured, sold and paid, and, if desired, the terms and conditions on which said bonds may be redeemed prior to maturity or refunded.

Bonds and resolutions of issue

Section 85.2. Provisions Relating to Bonds. The provisions of Sections 85.3 to 85.18, inclusive, shall govern and apply to (a) all revenue bonds issued pursuant to this Article and (b) each resolution of issue relating to the bonds thereby authorized.

Section 85.3. Date of Bonds. Bonds shall bear dates prescribed by the resolution of issue.

Section 85.4. Maturity. Bonds may be serial bonds or sinking fund bonds with such maturities as shall be provided in the resolution of issue. No bond by its terms shall mature in more than forty (40) years from its own date and, in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date of each series or division shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

Section 85.5. Interest. Bonds shall bear interest at a rate of not to exceed six (6) per cent per annum, payable annually or semi-annually, or in part annually and in part semi-annually.

Section 85.6. Coupon or Registered Bonds. Bonds may be issued as coupon bonds or as registered bonds. A resolution of issue may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise as the resolution of issue shall prescribe.

Section 85.7. Redemption. Bonds may be callable upon such terms and conditions and upon such notice as the resolution of issue shall prescribe and upon payment of such premium (not exceeding six per cent (6%) of the par value of such bonds), if any, as may be fixed in the resolution of issue. No bond shall be subject to call or redemption prior to its fixed maturity date, unless the right to exercise such call is expressly stated on the face of the bond.

Section 85.8. Source of Payment. All revenue bonds shall be payable exclusively from revenues.

Section 85.9. Reference on Bonds to Resolution of Issue. Reference on the face of a revenue bond to the resolution of issue by its date of adoption is sufficient to incorporate all of the provisions thereof and of this Article into the body of said revenue bond and its appurtenant coupons. Each taker and subsequent holder of a revenue bond or coupons, whether such coupons are attached to or detached from said revenue bond, shall have recourse to all of the provisions of the resolution of issue and of this Article and shall be bound thereby.

Section 85.10. Recital in Bonds. All revenue bonds shall contain a recital on their face that neither the payment of principal of nor of interest on such bonds constitutes a debt, liability or obligation of the City of Berkeley, except as provided in this Article.

Section 85.11. Place and Manner of Payment. The principal of and interest on bonds may be paid at any one or more places within or without the State of California and in any specified coin or currency of the United States of America, as may be provided in the resolution of issue.

Section 85.12. Execution and Authentication of Bonds; Validity of Signatures and Countersignatures. Bonds may be executed and authenticated by the manual, lithographed or printed facsimile signature of any officer or officers of the City and may also be authenticated by a trustee or fiscal agent appointed by the Council, all as may be provided in the resolution of issue. If any of the officers whose signatures or countersignatures appear on the bonds cease to be officers before the delivery of the bonds or coupons to the purchasers thereof, their signatures or countersignatures shall nevertheless be valid and of the same force and effect as if such officers had remained in office until the delivery of the bonds and coupons.

Section 85.13. Issuance of Temporary Bonds. Pending the actual issuance or delivery of definitive bonds, the Council may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, and with such provisions as the Council may determine, to be exchanged for definitive bonds when ready for delivery. In the absence of an express recital on its face that a temporary bond or interim receipt is non-negotiable, such bond or interim receipt is a negotiable instrument.

Section 85.14. Replacement of Lost, Destroyed, Mutilated or Stolen Bonds. Lost, destroyed, mutilated or stolen bonds or coupons may be replaced as provided in the resolution of issue.

Section 85.15. Security. All revenue bonds shall be secured by an exclusive pledge and charge upon all or a portion of (a) the gross revenues of the project for the acquisition, construction and completion of which said bonds are issued or authorized to be issued, (b) revenues from on-street parking meters, and (c) revenues of any existing off-street parking facilities, all as provided for in the resolution of issue. Gross revenues of a project include improvements and extensions of such project later constructed or acquired. The gross revenues of the project, any interest earned on the gross revenues of the project, and all pledged on-street parking meter revenues and pledged revenues of existing off-street parking facilities shall constitute a trust fund for the security and payment of the principal of and interest on the bonds and so long as any bonds or interest thereon are unpaid said revenues and interest shall not be used for any other purpose; provided, however, that a resolution of issue may provide that if the principal of and interest on the bonds and all charges to protect and secure them are paid when due, an amount for the maintenance and operation costs of the project and any and all other costs and expenses relative to the project or to the bonds, may be apportioned from revenues, but only to the extent specified in the resolution of issue.

Section 85.16. Bonds of Same Issue to be Equally Secured. Bonds of the same issue shall be equally secured by a pledge and charge upon revenues, without priority for number, date of bonds, of sale, of execution, or of delivery; except that if the Council authorizes the issuance of bonds of different series it may provide that the bonds in any series shall, to the extent and in the manner prescribed in the resolution of issue, be subordinated and be junior in standing with respect to the payment of principal and interest and the security thereof to such other bonds as may be specified in the resolution of issue.

Section 85.17. Refunding Bonds. The Council may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming, retiring or refunding any revenue bonds issued under this Article, subject to any limitations contained in the resolution of issue pursuant to which such revenue bonds are issued. All provisions of this Article applicable to the issuance of revenue bonds shall be applicable to the refunding bonds and to the issuance, sale or exchange thereof. Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be refunded thereby, and in addition, for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds and the issuance of such refunding bonds. Such expenses may include the difference in amount between the par value of the refunding bonds and any amount less than par for which the refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such refunding bonds from the date of sale thereof to the date of payment of the bonds to be refunded, or to the date upon which the bonds to be refunded will be paid pursuant to call thereof or agreement with the holders thereof, and also the premium, if any, necessary to be paid in order to call and retire the outstanding bonds and the interest accruing thereon to the date of call or retirement.

Section 85.18. Validity of Bonds Not Affected by Actions of City Relative to Project. The validity of the authorization and issuance of any revenue bonds by the Council shall not be dependent on or affected in any way by:

(a) Proceedings taken by the City for the acquisition, construction, or completion of any project or any part thereof.

(b) Any contracts made in connection with the acquisition, construction or completion of any project; or

(c) The failure to complete any project for which bonds are authorized to be issued.

Sale of bonds

Section 86. Sale of Bonds. Before selling any bonds the Council shall give notice inviting sealed bids in such manner as the Council may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the Council determines that the bids received are not satisfactory, the Council may reject all bids received, if any, and either readvertise or sell the bonds at private sale. The Council may sell

bonds at a price below the par or face value thereof, provided that the maximum net interest cost (computed on a 360-day year basis) on bonds sold below par or face value shall not exceed an average of six per cent (6%) per annum, payable semi-annually, to the respective maturity dates of said bonds.

Payment of expenses, etc

Section 87. Payment of Incidental Expenses and Interest and Creation of Funds from Proceeds of Sale of Bonds. All costs and expenses incidental to the issuance and sale of bonds, including (without limiting the generality of the foregoing) the cost of preparation of the bonds and coupons, the cost of all surveys, of preparation of plans and specifications, of all architectural, engineering, inspection, legal, financial and economic consultant's, trustee's, and fiscal agent's fees, the creation of a bond reserve fund, the creation of a working capital fund, and bond interest estimated to accrue during the period of acquisition or construction of a project and for a period of not to exceed six (6) months thereafter, all as provided for in the resolution of issue, may be paid out of the proceeds of sale of the bonds.

Resolutions of issue

Section 88. Provisions Relating to Resolutions of Issue The provisions of Sections 88.1 to 88.15, inclusive, shall govern and apply to each resolution of issue adopted by the Council.

Section 88.1. Construction Fund; Investment. A resolution of issue may provide that the proceeds of sale of all revenue bonds authorized thereby shall either be deposited in a fund separate and apart from all other funds of the City or paid direct to any bank or trust company designated by the Council as the fiscal agent of the City, and that said proceeds shall be held by the City or such fiscal agent in a separate account to be designated the "Construction Fund" and be disbursed in the manner and upon the conditions provided in the resolution of issue for the object and purpose of the acquisition, construction and completion of the project therein designated, including the payment of all incidental expenses and interest and the creation of funds as provided for in Section 87 of this Article. Moneys in any construction fund may be invested as the Council in its sole discretion shall determine, subject only to such limitations as may be provided in the resolution of issue A resolution of issue may provide that any moneys in a construction fund remaining unexpended after said object and purpose shall have been completed shall be applied to the payment of the principal of and interest on said bonds, and that none of said moneys shall be transferred to any other fund of the City or used for any purpose other than as specified in the resolution of issue.

Section 88.2. Continuous Operation of Project: Repairs, Renewals and Replacements. A resolution of issue may provide that, so long as any bonds thereby authorized shall be outstanding, the City shall operate the project designated in the resolution of issue continuously and in an efficient and economical manner and in good working order and condition and shall make all necessary repairs, improvements and replacements.

Section 88 3. Rates, Fees and Other Charges. A resolution of issue may provide that the Council will prescribe, revise and collect rates, fees and charges (a) for use of the facilities provided by the project acquired, constructed or completed from the proceeds of sale of the bonds issued pursuant to such resolution of issue, (b) for any services rendered in connection with such project, and (c) for use of any on-street parking meters and existing off-street parking facilities any revenues from which are pledged to secure the bonds. A resolution of issue may provide that such rates, fees and charges shall at all times be sufficient to yield revenues from the project and net revenues from such on-street parking meters and existing off-street parking facilities equal to all redemption payments and interest charges on said bonds as the same fall due, together with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the security or further protection of said bonds, or as a depreciation charge or other charge in connection with such project. A resolution of issue may provide that such rates, fees and charges shall not be reduced below an amount sufficient to provide funds to meet all obligations specified in the resolution of issue.

Section 88 4. Holding and Application of Revenues. A resolution of issue may require the City to hold or cause to be held in trust the revenues pledged to the payment of the principal of and interest on the bonds issued pursuant to said resolution of issue, or to any reserve or other fund created for the security or further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the resolution of issue.

Section 88.5. Preservation and Protection of Security of Bonds. A resolution of issue may require the City to preserve and protect the security of the bonds issued thereunder and the rights of the holders thereof and to warrant and defend such rights A resolution of issue may require the City to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon revenues, or which might impair the security of any bonds issued for the acquisition, construction or completion of any project. A resolution of issue may limit, restrict or prohibit, except upon such terms and conditions as may be provided therein, any right, power or privilege of the City to mortgage or otherwise encumber, or to sell, lease or dispose of a project or to enter into any lease or agreement which impairs or impedes the operation of a project or of any part thereof necessary to provide adequate revenues, or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

Section 88.6. Proceeds of Project Taken by Eminent Domain. A resolution of issue may provide that if any part of a project shall be taken by eminent domain or other proceeding authorized by law, the proceeds to the City therefrom shall be applied to the replacement of such project or to the payment

and retirement of the bonds issued pursuant to such resolution of issue, or as otherwise set forth in said resolution of issue.

Section 88.7. Insurance. A resolution of issue may specify or limit the kinds and amounts of insurance to be maintained by the City on a project, or any part thereof (including insurance of any project against loss of revenues from any cause whatsoever, against public liability or property damage and against loss by fire or any other hazard, as may be provided in any resolution of issue), and provide for the payment of the premiums thereon, and specify the use and disposition of proceeds of any such insurance thereafter collected.

Section 88.8 Books, Records and Accounts. A resolution of issue may provide:

(a) that the City will keep accurate books and records of account showing all revenues received from the operation of any project and all expenditures thereof, and all revenues from on-street parking meters and existing off-street parking facilities pledged or otherwise made available as security or as further protection for the bonds issued pursuant to said resolution of issue;

(b) that all such books and records shall be open at all times during business hours to the inspection of the holders of one or more of the bonds or of any specified percentage of such holders or their duly authorized representatives;

(c) that annual or other periodic statements of the condition of such project and of all of said other revenues will be furnished to the holders of the bonds;

(d) that summaries of all such statements will be published at least annually in the official newspaper of the City; and

(e) that the books and records of the City pertaining to the operation of any project and to all of said other revenues shall be audited by independent public accountants in such manner and under such circumstances as may be set forth in said resolution of issue.

Section 88.9. Trustee; Fiscal Agent; Paying Agents. A resolution of issue may designate a bank or trust company, qualified to do business in the State of California, as a trustee or fiscal agent for the City and holders of bonds issued under said resolution of issue, and may authorize any such trustee to act on behalf of the holders of the bonds or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders. A resolution of issue may authorize the City to designate any bank or trust company in any city in which any bonds are made payable as the City's paying agent in such city. A resolution of issue may fix and determine the conditions upon which any trustee, fiscal agent or paying agent shall receive, hold or disburse any or all revenues deposited with it by or by authority of the City. A resolution of issue may prescribe the duties and powers, if any, of any such trustee, fiscal agent or paying agent with respect to the issuance, authentication, sale and delivery of the bonds, the payment of the principal

thereof and interest thereon, the redemption thereof, the registration and discharge from registration of bonds and the management of any funds provided for in the resolution of issue as security for the bonds.

Section 88.10. Competitive Projects. A resolution of issue may contain a covenant that the City shall not, while any revenue bonds authorized by this Article are issued or outstanding, acquire, construct, complete or maintain within the City or permit any person to maintain on any city-owned property within the City any off-street vehicular parking facilities or places, excepting those therein described, which compete in any way with any project or which are similar to any off-street vehicular parking facilities or places maintained or operated by the City through the issuance of revenue bonds pursuant to this Article. A resolution of issue may define the word "compete" as used in the preceding sentence and in such resolution of issue. A resolution of issue may except from the covenant authorized to be made by this section any and all off-street vehicular parking facilities then or thereafter maintained by the City.

Section 88.11. Limitation on Additional Indebtedness. A resolution of issue may limit or restrict the incurring of additional indebtedness payable in whole or in part from the revenues charged with payment of the bonds issued pursuant to such resolution of issue.

Section 88.12. Events of Default. A resolution of issue may designate the rights, limitations, powers and duties arising upon breach by the City of any of the covenants, conditions or obligations therein contained, and may provide the terms and conditions upon which all bonds issued thereunder may be declared or become due and payable prior to maturity and the terms and conditions upon which such declaration and its consequences may be waived.

Section 88 13. Amendment or Modification of Resolution of Issue. A resolution of issue may prescribe a procedure by which its terms and conditions may be subsequently amended or modified with the consent of the City and the vote or written consent of the holders of a specified principal amount or proportion of the bonds issued and outstanding, including provision for meetings with bondholders and the manner in which the consents of the bondholders may be given. A resolution of issue may set forth a specific statement of the effect of each such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto. If desired, a resolution of issue may contain a provision that bonds held by the City or by the State of California or any public corporation, political subdivision, city, county, district or any agency of any thereof, shall not be counted as outstanding bonds or be entitled to vote or consent, but shall nevertheless be subject, to any such amendment or modification.

Section 88.14. Use of Surplus After all of the revenue bonds issued pursuant to a resolution of issue shall have been fully paid or discharged, or provision for their payment and

discharge irrevocably made, any surplus moneys in any construction fund or other fund provided for the security or further protection of the bonds shall become and be the property of the City and be used by the City for any lawful purpose.

Section 88.15. Additional Covenants and Agreements. A resolution of issue may provide for such other acts and matters and may include any and all such additional covenants and agreements on the part of the City as the Council shall deem necessary or advisable.

Bondholders' rights

Section 89. Rights of Bondholders. Except as provided otherwise in any resolution of issue, the holder of any bond issued pursuant to this Article may by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the City or any official or employee of the City or assumed by any thereof in connection with the acquisition, construction, completion, operation, maintenance, repair, reconstruction or insurance of any project, or the collection, deposit, investment, application and disbursement of rates, fees and charges derived from the operation and use of any project and all other revenues, or in connection with the deposit, investment or disbursement of the proceeds received from the sale of the bonds under this Article. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this Article.

Financing powers

Section 90. Article Confers Complete Authority; Provisions of Article Alternative. The provisions of this Article constitute full and complete authority for the issuance of revenue bonds as herein provided by the Council of the City of Berkeley and no other procedure, or proceedings, consents, approvals, orders or permission from any municipal officer or board of the City of Berkeley, shall be required for the aquisition, construction or completion of any project, or the issuance of any revenue bonds under this Article, except as specifically provided in this Article. The powers and authorities conferred by this Article are in addition to and supplemental to all other powers and authorities conferred upon the City of Berkeley. The method provided in this Article for the acquisition, construction and completion of projects and the issuance of revenue bonds shall be deemed an additional method for acquiring, constructing and completing such projects and providing funds therefor; provided that the City of Berkeley may, in its discretion, acquire any properties for off-street vehicular parking facilities and issue general obligation bonds of the City of Berkeley therefor, subject, however, to the condition that the City of Berkeley shall not, while any revenue bonds authorized by this Article are issued and outstanding, acquire, construct or complete any off-street vehicular parking facilities, other than those specifically described in a resolution of issue pursuant to the provisions of Section 88.10 of this Article, which com-

pete with any project operated or maintained through the issuance of revenue bonds by the Council.

Bonded indebtedness

Section 91. Revenue Bonds Excluded from Bonded Indebtedness of City. Revenue bonds issued under this Article shall not be taken into consideration in determining the bonded indebtedness which the City of Berkeley is authorized to incur and shall be excluded from any limitation provided by this Charter or by law on the amount of bonded indebtedness of the City.

CHARTER AMENDMENT No. 2

That Section 6½ of Article III of the Charter of the City of Berkeley be amended to read as follows:

Candidates' statements

Section 6½. Candidates' Statements of Qualifications. At the time of filing his nomination papers, each candidate for an elective office may file with the City Clerk a verified statement showing the name of the candidate, the office for which he is a candidate, his place of residence, place of birth, present occupation, what public offices he has held, whether he is a taxpayer in the City of Berkeley, a statement giving information as to his experience and qualifications, and a recent photograph, to the end that the electors may be in a position to estimate his fitness to fill the office, and the names of not less than five nor more than twenty residents of the City of Berkeley to whom he refers. Until otherwise provided by ordinance, such statements shall not exceed two hundred words in length At the time of filing said statement, each candidate shall also pay to the City Clerk a printing fee which, until otherwise provided by ordinance, shall be the sum of $35.00. The City Clerk shall cause said candidates' statements to be printed in some convenient form and shall mail a copy of said statements to each registered voter with the sample ballot, provided that no name to which the candidate refers shall be included in the publication by the clerk unless the written consent of the person named is filed with the City Clerk. The provisions of this section are self-executing, but the City Council, by ordinance, may more definitely prescribe the form of said candidate's statement. The printing fees so collected by the City Clerk shall be paid into the City Treasury, and the expense of printing said candidates' statements shall be paid from the City Treasury. No refund from printing fees shall be made to candidates, nor shall any extra charge be made, regardless of whether the printing expense is more or less than the amount of the fees received.

CHARTER AMENDMENT No. 3

That Section 66 of Article XI of the Charter of the City of Berkeley be amended to read as follows:

Progressive payment contracts

Section 66. Progressive Payments on Contracts. Any contract may provide for progressive payments, if in the ordinance or resolution authorizing or ordering the work permission is given for such a contract. But no progressive payments can be

provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time ninety per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than ninety per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

CHARTER AMENDMENT No. 4

That Section 67.4 of Article XI of the Charter of the City of Berkeley be amended to read as follows:

Section 67.4. Emergencies. The provisions of Section 67 of this Charter shall not apply to work done or purchases made for that which is deemed by the City Manager to be an actual emergency and of urgent necessity for the preservation of life, health or property: provided, that any such expenditure in excess of $5,000.00 must be authorized by resolution of the Council. Emergencies

That a new section, to be numbered Section 67 5, be added to Article XI of the Charter of the City of Berkeley to read as follows:

Section 67.5. Other Expenditures in Excess of $1,000.00. Any action providing for the expenditure of public money the amount of which exceeds the sum of one thousand dollars ($1,000.00) except such as is provided for in Sections 67, 67.1, 67.2, 67.3 or 67.4 hereinabove, shall be authorized by resolution of the Council or shall be done by contract authorized by resolution of the Council. Expenditures in excess of $1,000

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Berkeley with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Berkeley to be affixed hereto, this 28th day of April, 1953.

LAURANCE L. CROSS,
(SEAL) Mayor of the City of Berkeley
RUTH C. KEMP,
City Clerk of the City of Berkeley

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to Approval

each house voting therefor and concurring therein, That said amendments to the charter of the City of Berkeley as presented to, and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of said City of Berkeley.

CHAPTER 146

Assembly Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 1c of Article XIII thereof, relating to the taxation of religious, hospital or charitable properties.

[Filed with Secretary of State, May 27, 1953.]

Constitution Amendment Sec 1c of Art XIII re charitable tax exemptions

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its regular session commencing on the fifth day of January, 1953, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 1c of Article XIII thereof, to read:

SEC. 1c. In addition to such exemptions as are now provided in this Constitution, the Legislature may exempt from taxation all or any portion of property used exclusively for religious, hospital or charitable purposes and owned by community chests, funds, foundations or corporations organized and operated for religious, hospital or charitable purposes, not conducted for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual. As used in this section, "property used exclusively for religious, hospital or charitable purposes" shall include a building and its equipment in the course of construction on or after the first Monday of March, 1954, together with the land on which it is located as may be required for the use and occupation of the building, to be used exclusively for religious, hospital or charitable purposes.

CHAPTER 147

Assembly Concurrent Resolution No. 85—Relative to approving certain amendments to the charter of the City of Fresno, in the County of Fresno, State of California, voted for and ratified by the electors of the city at a special election held therein on the thirteenth day of April, 1953.

[Filed with Secretary of State, May 28, 1953.]

City of Fresno Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments, herein-

after set forth, to the charter of the City of Fresno, a municipal corporation in the County of Fresno, State of California, as set out in the certificate of the Commissioner of Public Safety and Welfare and ex officio Mayor, of the City of Fresno, and the City Clerk of said City of Fresno as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF FRESNO } ss.
CITY OF FRESNO

Certificate

We, the undersigned, Gordon G. Dunn, Commissioner of Public Safety and Welfare and ex-officio Mayor, of the City of Fresno, County of Fresno, State of California, and D. E. Roughton, City Clerk of said city, do hereby certify and declare as follows:

That the City of Fresno, a municipal corporation in the County of Fresno, State of California, now is and at all times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants, and has been ever since January 21, 1921, and is now, organized and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of such city at a municipal election held for that purpose on the 2d day of November, 1920, and was approved by the Legislature of the State of California by Senate concurrent resolution No. 2, filed with the Secretary of State on the 21st day of January, 1921 (Stats. 1921, page 1821).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Commission of the City of Fresno, being the legislative body thereof, duly and regularly submitted to the qualified electors of said City of Fresno, certain proposals for certain amendments to the Charter of said City of Fresno at a certain Special Election called and held for that purpose in said city on the 13th day of April, 1953.

That such proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and the Charter of the City of Fresno, on the 3rd day of March, 1953, in the Fresno Bee-The Republican, a daily newspaper of general circulation printed and published in said City of Fresno, and the official newspaper of said city. That copies of said proposed amendments were printed in convenient pamphlet form, and in type of not less than ten point, as required by law, and a notice that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Fresno was published daily continuously in said Fresno Bee-The Republican from and including the 4th day of March, 1953, until and including the 13th day of April, 1953, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies thereof were mailed to each of the qualified electors of said city within the time and in the manner required by law.

That copies of said pamphlet containing said proposed amendments could be had upon application therefor at the office of the City Clerk of said city at all times, to and including the 13th day of April, 1953, the date fixed for said special election, all as required by said Section 8 of Article XI of the Constitution of the State of California.

That under and pursuant to proceedings duly and regularly taken in the manner provided by law, the Commission of the City of Fresno consolidated said Special Election with the General Municipal Election held in said City of Fresno on the 13th day of April, 1953; that in accordance with the provisions of the Charter of the City of Fresno and in the manner provided by law, the said consolidated elections were duly and regularly held in said city after due notice given and published, on the 13th day of April, 1953, which day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendments in the Fresno Bee-The Republican, the official newspaper of said city.

That thereafter the Commission of the City of Fresno did, in the manner provided by law, duly and regularly canvass the returns of said consolidated elections, and did on the 7th day of May, 1953, adopt its Resolution No. 3637 declaring the results of the canvass of the returns of said elections and the results of said election as determined by the canvass of the returns thereof; that the said Commission of said city did, by said Resolution, find, determine and declare that those proposed amendments hereinafter set forth to the Charter of the City of Fresno were ratified by a majority of the electors of said city voting thereon.

That as to said amendments to the Charter of Fresno this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said amendments to the Charter of the City of Fresno so ratified by the electors of said city are in words and figures as follows, to wit:

Charter Amendment No. 1

That Section 6 of Article II be amended to read as follows:

Commission Duties, membership, etc.

Sec. 6. City Commission, Organization. Except as otherwise expressly provided in this Charter, the legislative power of the city and general administrative control of the city government and the custody and control of the property of the city shall be vested in a City Commission consisting of seven members and to be known as the Commission of the City of Fresno and referred to in this Charter as City Commission or Commission. Said Commission shall be composed of the Commissioner of Public Safety and Welfare and ex-officio Mayor,

the Commissioner of Finance, the Commissioner of Public Works, and four additional commissioners to be known as Legislative Commissioners. Said Commissioners shall be at least twenty-five years of age and residents and qualified electors of the city and shall forfeit their offices upon ceasing to reside in the city or upon conviction of malfeasance in office, or upon conviction of any felony or any crime involving moral turpitude. All commissioners shall be elected from the city at large. All commissioners other than Legislative Commissioners, shall devote their entire time and service to their official duties Each of the commissioners present at any meeting shall vote upon all matters coming before such meeting, unless legally disqualified. The terms of the two additional Legislative Commissioners provided by this section, shall commence on the first Monday after the result of the General Municipal Election to be held on the second Monday in April, 1955, shall have been officially declared.

CHARTER AMENDMENT No. 2.

That Section 7 of Article II be amended to read as follows:

Sec. 7. Vacancies. Any vacancy occurring in the membership of the City Commission shall be filled by the majority vote of the remaining commissioners, and the person appointed shall have the qualifications prescribed by this Charter for the commissionership to which he is appointed, and shall hold office until the election and qualification of a commissioner to fill the vacancy, which election shall take place at the next general municipal election, and unless such election is the regular time for voting for such officer, the person elected shall continue in office only for the unexpired portion of the term of the commissioner whose place is to be filled. In case the commissioners in office cannot agree among themselves within thirty days as to the appointment to fill the vacancy, then and in that event if the commissioners in office do not fill the vacancy within an additional twenty days, the salary of each such commissioner shall henceforth cease until such time as such vacancy is filled

CHARTER AMENDMENT No. 3.

That Section 12 of Article II be amended to read as follows:

Sec. 12. Contracts, Authorization and Signature. No contract calling for an expenditure of more than $2,000.00 shall be effective, unless authorized by vote of two-thirds of all the members of the City Commission, except where otherwise provided by law or this Charter. Contracts shall be signed by the commissioner or chairman of the board under whose jurisdiction the same are let, unless otherwise prescribed by the City Commission, or by law.

Approval of contracts

CHARTER AMENDMENT No. 4.

That Section 23 of Article IV be amended to read as follows:

Mayor Duties, powers, etc.

Sec. 23. Organization, Commissioner, Mayor, Jurisdiction and Powers There is hereby created a Department of Public Safety and Welfare. There shall be a head of this department to be known as the Commissioner of Public Safety and Welfare, and, by virtue of his office, he shall also be Mayor. As Mayor he shall preside at the meetings of the City Commission as provided in Sec. 9 of this Charter, and shall perform such other duties as may be determined by the City Commission. He shall be recognized as the official head of the city for all ceremonial purposes, shall be the officer upon whom legal writs and process running against the city shall be served. He shall have the powers of a peace officer and shall be recognized as the head of the city government by the Governor for military purposes, and in time of public danger, of which he shall be the judge, he may take command of the police and maintain order and enforce the laws, and may call upon the citizens for assistance, or the Governor for military aid in so doing.

The Mayor shall be the general residuary of power to sign contracts and other instruments in writing in connection with the city's business, the signing of which does not come within the duties of some other department, board or officer, and shall sign and acknowledge all deeds for conveyances of the property of the city. The Mayor, from time to time, shall inform the City Commission in writing relative to the state of the city and shall recommend such measures as he shall deem beneficial for the city's interests.

During the absence or disability of the Mayor, the duties of the Mayor as such shall be performed by the Commissioner of Finance, or in case of his absence or disability also by the Commissioner of Public Works, and in the absence of all of them by such officer as may be designated for the purpose by the City Commission.

As Commissioner of Public Safety and Welfare, said Commissioner shall have charge of the administration of the Police Department; Fire Department; parks, playgrounds; city planning works; charities and other matters of social service; matters pertaining to public health and sanitation, through the Board of Health; and, with the assistance of the City Attorney, shall have charge of the legal affairs of the city and the enforcement of all laws, ordinances and charter provisions the enforcement of which is not committed by this charter or by ordinance to other departments, boards or officers, or which do not come within the jurisdiction of some other department, board or officer in the city government. Said commissioner, subject to the directions of the City Commission, shall also be the custodian of all city property, the custody of which is not committed to other departments, boards or officers, or necessary to be reposed in other departments, boards of officers in the discharge of their duties. Subject to the control of the City Commission, the Com-

missioner of Public Safety and Welfare shall have charge of the administration of all city business not committed by this Charter or by ordinance to some other department, board or officer, and shall exercise such other jurisdiction and perform such other functions as may be determined by the City Commission. Said Commissioner shall appoint and exercise administrative jurisdiction over such subordinate officers and boards as are authorized in this Article, and as may be authorized and provided for the Department of Public Safety and Welfare by the City Commission.

CHARTER AMENDMENT NO. 5.

That Section 56 of Article V be amended to read as follows:

Contracts Validity, duration, etc

Sec. 56. Contracts. Except as otherwise specifically provided in this Charter or by the laws of the state, no continuing contract (which involves the payment of money out of appropriations of more than two years) shall be made for a period of more than ten years, except public utility franchises, and no such contract shall be valid without publication of notice of intention of making the contract, in a newspaper of general circulation printed and published in the city, once a week for two successive weeks, before final action of the City Commission, and the approval of four-fifths of all the members of the Commission, and the decision of the City Commission is subject to the referendum provisions of this Charter.

Any public work or improvement costing more than $2,000.00 shall be executed by contract, except where a specific work or improvement is authorized by the Commission based on detailed estimates submitted by the department or board authorized to execute such work or improvement, and except in cases where the City Commission may decide to perform such work or construct such improvement through its own officers and employees. Contracts for more than $2,000.00 shall be awarded to the lowest responsible bidder after public advertisement and competition as may be prescribed by ordinance. The award shall be made by the City Commission. In the case of contracts for less than $2,000.00, the award may be made by the Commissioner of Finance. The Commission or Commissioner of Finance, as the case may be, shall have power to reject all the bids and to advertise for new bids. All advertisements or invitations for bids shall contain a reservation of this right. In the event that a satisfactory contract for the performance of any public work or the construction of any public improvement cannot be made, and in other cases where the City Commission may decide that it is for the best interests of the city to do so, the City Commission may perform public work and construct public improvements through its own officers and employees. The decision of the City Commission in such cases is subject to the referendum provisions of this Charter.

CHARTER AMENDMENT No. 6.

That Section 57 of Article V be amended to read as follows:

Purchasing

Sec. 57. Purchases. The Commissioner of Finance shall have general charge of purchases of supplies and other articles for the use of the Department of Finance and all other departments and branches of the city government, except where otherwise provided by state law or ordinance. The City Commission shall provide by ordinance for the method of handling this branch of the work of the Department of Finance.

Purchases exceeding $2,000.00 in amount shall be approved by the City Commission before the same are made.

CHARTER AMENDMENT No. 7.

That Section 84 of Article IX be amended to read as follows:

Salaries

Sec. 84. Salaries Fixed May Be Changed. The salaries provided for in the preceding section may be increased or diminished by a majority vote of the qualified electors of the city upon the submission to such qualified electors of the city by the City Commission of a proposition to increase or diminish said salaries or any of them; provided, however, that the increase or decrease shall not operate to increase or decrease the salary of any officer in office at the time the vote is taken during the term of such officer or officers; and provided further, that such prohibition shall not apply to incumbent officers of the City of Fresno, as authorized by Section 5 of Article XI of the Constitution of California, and the statutes of California now existing or hereafter enacted in pursuance thereof.

CHARTER AMENDMENT No. 8.

That Section 87 of Article X be amended to read as follows:

Officer and employee bonds

Sec. 87. Bonds. Bonds shall be required of the city officials hereafter named in the sum indicated below:

Commissioner of Public Safety and Welfare, $10,000.00; Commissioner of Finance, $10,000.00; Commissioner of Public Works, $10,000.00; Chief of Police, $5,000.00; Chief Engineer of Fire Department, $5,000.00.

The City Commission may require any other officer or employee of the city to give a bond if in its judgment such bond is required. Official bonds shall be approved by resolution of the City Commission, but before such approval shall be examined as to their legal sufficiency by the City Attorney. Official bonds shall be filed with the City Clerk. Official bonds with personal sureties must be recorded in the office of the County Recorder of Fresno County.

CHARTER AMENDMENT No. 9.

That Section 89 of Article XI be amended to read as follows:

Elective officers

Sec. 89. Elective Officers. The Commissioner of Public Safety and Welfare, Commissioner of Finance, Commissioner of

Public Works, and the Legislative Commissioners, shall be elected by the registered, qualified electors of said city at the general municipal election to be held therein. As to the Legislative Commissioners there shall be deemed to be four separate offices to be filled, one of which shall be designated as "Legislative Commissioner, Number One", another as "Legislative Commissioner, Number Two", another as "Legislative Commissioner, Number Three", and another as "Legislative Commissioner, Number Four". No candidate shall file for more than one such office. Such designation shall be used on all nomination papers, certificates of election and all election papers referring to the office. The person receiving the highest number of votes for Legislative Commissioner, Number One, shall be declared elected, the person receiving the highest number of votes for Legislative Commissioner, Number Two, shall be declared elected, the person receiving the highest number of votes for Legislative Commissioner, Number Three, shall be declared elected, and the person receiving the highest number of votes for Legislative Commissioner, Number Four, shall be declared elected. After election the designating numbers shall have no further significance. All elective officers shall hold over their terms until the election and qualification of their successors.

CHARTER AMENDMENT No. 10.

That Section 90 of Article XI be amended to read as follows:

Elections

Sec. 90. The next election under this Charter shall be held on the second Monday in April, 1955, and an election shall be held every two years thereafter on the second Monday in April. Said elections shall be known as the General Municipal Election. Other elections shall be known as Special Elections. At the General Municipal Election to be held on the second Monday in April, 1955, the four Legislative Commissioners shall be elected, and the persons so elected shall take office on the first Monday after the result of the election shall have been officially declared, and the persons elected shall hold office for a term of four years. An election for the Legislative Commissioners shall be held on the second Monday in April of every four years thereafter. At the General Municipal Election to be held on the second Monday in April, 1957, the Commissioner of Public Safety and Welfare, the Commissioner of Finance and the Commissioner of Public Works shall be elected, and the persons so elected shall take office on the first Monday after the result of the election shall have been officially declared, and the persons elected shall hold office for a term of four years. An election for Commissioner of Public Safety and Welfare, Commissioner of Finance and Commissioner of Public Works shall be held on the second Monday in April of every four years thereafter.

CHARTER AMENDMENT No. 11.

That Section 114 of Article XIV be amended to read as follows:

Official powers

Sec. 114. Oaths, Powers to Administer. Each commissioner and each member of any board in the city government and each officer whose appointment must be confirmed by the City Commission, and such other officers as the City Commission may determine, and officers upon whom the power is specially conferred in this Charter, shall have authority to administer oaths and affirmations in connection with any matter appertaining to the business of the city, and each department or board and each commissioner shall have authority to investigate and report to the City Commission upon any matter appertaining to the jurisdiction or administration of the work of such department, board or commissioner, and shall have the power to subpoena witnesses and compel their attendance, and the City Commission shall have power to provide for the punishment of disobedience of such subpoenas.

CHARTER AMENDMENT No. 12.

That Section 115 of Article XIV be amended to read as follows:

Deputy officers

Sec. 115. Deputies. The City Commission may authorize any officer of the city, except Legislative Commissioners, to appoint a deputy or deputies. Such deputies shall have the same qualifications as their principals and qualify as other city officers, and the principals shall be liable on their official bonds for the acts of their deputies, and all acts performed by such deputies shall be as valid and binding as if done by the principals. The City Commission may fix the compensation of any deputy authorized by it, provided that the deputy shall be paid by the principal, unless the principal, devoting all of his time to the duties of his office, is unable personally to perform the duties required. No deputy shall sit or vote in the City Commission.

CHARTER AMENDMENT No. 13.

That Section 116 of Article XIV be amended to read as follows:

Full-time duties

Sec. 116. Officers to Give City Full Time. The Commissioner of Public Safety and Welfare, the Commissioner of Finance and the Commissioner of Public Works, shall devote their entire time to the duties of their respective offices. All appointive officers receiving salary from the City Treasury, except as otherwise provided in this Charter, or by the City Commission, shall devote their entire time to the duties of their respective offices.

CHARTER AMENDMENTS RELATING TO THE REPEAL OF CERTAIN SECTIONS OF THE CHARTER OF THE CITY OF FRESNO.

That said proposed amendments to the Charter of the City of Fresno ratified by the electors of said City, as aforesaid, and relating to the repeal of certain sections of said Charter are as follows, to wit: Repeal

1.

That Section 28 and Section 29 of Article IV of the Charter of the City of Fresno be repealed.

2.

That Section 64, Section 65, Section 66, Section 67, Section 68, Section 69, Section 70 and Section 71 of Article VII of the Charter of the City of Fresno be repealed.

3.

That Section 72, Section 73, Section 74, Section 75, Section 76, Section 77, Section 78, Section 79, Section 80, Section 81 and Section 82 of Article VIII of the Charter of the City of Fresno be repealed.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Fresno with the original proposals submitting the same to the electors of said city, and find that the foregoing is a full, true and correct and exact copy of each thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Seal of the said City of Fresno to be affixed hereto, this 11th day of May, 1953.

GORDON G. DUNN
(SEAL) Commissioner of Public Safety and Welfare and ex officio Mayor of the City of Fresno
D. E. ROUGHTON
City Clerk of the City of Fresno

and

WHEREAS, The proposed amendments to the charter of Fresno as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Fresno as proposed to and adopted and ratified by the electors of said city, and each of them, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration for and as amendments to and as a part of, the charter of the City of Fresno, a municipal corporation in the County of Fresno, State of California. Approval

CHAPTER 148

Assembly Concurrent Resolution No. 86—Approving amendments to the charter of the City of Piedmont, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twenty-first day of April, 1953.

[Filed with Secretary of State, May 28, 1953.]

City of Piedmont Charter amendments

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of Piedmont, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF PIEDMONT, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF ALAMEDA } ss.
CITY OF PIEDMONT

Certificate

We, the undersigned, Clair W. MacLeod, President of the Council of the City of Piedmont, State of California, and John D. Preston, City Clerk of said City, do hereby certify and declare as follows:

That the City of Piedmont is a Municipal Corporation in the County of Alameda, State of California, now is and at all times herein mentioned was, a city containing a population of more than thirty-five hundred (3500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and is now organized, existing and acting under a freeholder's Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election duly held for that purpose February 27, 1923, and approved by the legislature of the State of California by concurrent resolution filed with the Secretary of State on the 23rd day of March 1923. (Statutes 1923, Page 1564.)

That in pursuance of Section Eight of Article Eleven of the Constitution of the State of California on its own motion, the Council of the City of Piedmont being the legislative body of said City, by and in pursuance of a certain Resolution passed by the City Council on the nineteenth (19th) day of February, 1953, duly submitted to the qualified electors of said City of Piedmont a certain proposal for the amendment of the Charter of said City, to be voted on by said qualified electors at a Special Municipal Election held in said City on the twenty-first (21st)

day of April 1953, which said proposal was and is in the words and figures following, to-wit:

A proposal to amend Section 47 of the Charter of the City of Piedmont to make the hereinafter set forth articles read as follows:

Section 47. Pension Plan for Police and Fire Departments of City of Piedmont.

Police and Fire Departments pension plan.

Article 1. Pension Board. A Board is hereby created whose duty it shall be to handle and administer pensions for retired members and benefits for members, their nominees and the widows and minor children of deceased members of the Police and Fire Departments of the City of Piedmont. The Pension Board shall consist of the Mayor, City Treasurer, one Councilman, one member of the Police Department and one member of the Fire Department. Each said Department member shall be selected from the rank and file of each of his respective departments. The Council members shall be selected by the members of the Council of the City of Piedmont.

Pension board

The Pension Board shall select its own Chairman and Secretary and shall administer all matters pertaining to pensions in accordance with the provisions of this Section 47.

The Pension Board shall have power, by Resolution, to provide Rules and Regulations for the administration of all matters pertaining to pensions and benefits hereunder.

Article 2. Definitions. The term "Board" shall mean the "Pension Board"; the term "Member" shall mean every person including probationary employees in full time active service in either the Police or Fire Departments of the City of Piedmont, excluding temporary employees of every character; the term "Fund" shall mean the "Pension Fund."

Definitions

Article 3. Pension Fund. There is hereby established a Pension Fund for retired members, and for benefits for eligible members, their nominees and the eligible widows and minor children of deceased members of the Police and Fire Departments of the City of Piedmont, as hereinafter defined. The Fund shall receive its funds as provided in Article 4 of this Section and no payment shall be made from such Fund except as provided in this Section 47.

Pension fund

The balance of money on hand in that certain Fund heretofore created by Section 47 of the Charter of the City of Piedmont, as passed on the 29th day of April 1944, herein amended, and any and all investments made from the cash from said Fund, either United States Government Bonds or otherwise, shall be transferred and/or credited to the Pension Fund created by Article 3 hereunder.

Article 4. Contributions to Pension Fund. There shall be paid to the Fund of the City of Piedmont such sums as may be determined by the City Council of the City of Piedmont from time to time by tax levy or otherwise and the City Council, if

Same Contributions

necessary, shall levy a tax to provide extra revenue for maintaining said Pension Fund.

Each member shall pay to the Fund a monthly payment of a sum equal to 7% of the salary of said member, which payment shall be deducted from the monthly salary of said member, and each member shall be deemed to consent and agree to such deduction.

The City shall pay to such Fund each year an amount of money which, in the aggregate shall equal the total of 15.23% of said members' salaries for each said year until July 1, 1957 and thereafter in accordance with the provisions hereinafter set forth, irrespective of whether any portion of such deductions from said salaries shall have been paid from said Fund to any member, his heirs, representatives, or nominees, pursuant to any provisions of this Section 47.

Interest earned and received on cash balances and income on investments shall be paid into the Fund.

The Board shall be empowered and authorized to receive and accept all donations, gifts or bequests for said Fund, and any and all fines imposed upon any member or members for the violation of any Rules and Regulations shall be paid into said Fund.

The City Council shall obtain an actuarial study of the actuarial solvency of the Fund, which study shall be conducted by accredited actuarial consultants as of March 1, 1957 and as of March 1, of every 4th year thereafter and at such additional time or times as the Council shall deem necessary.

The City Council shall adjust the City of Piedmont's percentage of salary contribution on July 1, 1957 and on July 1 of every 4th year thereafter in order to assure adequate funding in accordance with the actuarial study herein referred to.

There shall be levied and collected at the time and place and in the same manner as other property taxes for municipal purposes are levied and collected, if no other provision for payment is made, a tax sufficient to meet all the obligations of the City for the creation, establishment, and maintenance of the Pension Plan herein provided for, which tax shall not be subject to any limitation or provision of Section 37 of this Charter as the same now exists or may hereafter be amended.

Retirement

Article 5. Eligibility for Retirement. Any person who was a member either at the time of the adoption of this Section or who shall thereafter become a member and who shall have been in active service for a period of at least twenty-five (25) years and shall have attained the age of fifty-five (55) years shall be eligible for retirement. The Board, upon satisfactory proof to it of such facts by order of such Board shall, upon written request retire and relieve from service such member, and from the effective date of said order the services of such member shall cease and such member so retired shall thereafter be paid from the Fund, and not otherwise, during the remainder of his lifetime such amount as is provided and set forth in Article 10 of this Section 47.

Compulsory Retirement. Any member who reaches the age of sixty-five years shall retire from active service, unless the City Council extends the active service of such member on a year to year basis. Any member who reaches the age of seventy (70) years shall retire from active service and there may not be any extended active service.

Occupational death, disability

Article 6. Industrial Death or Disability. Whenever a member shall lose his life due to an injury, disability or disease caused by and received in the course of his employment and in the performance of his duty, then upon satisfactory proof of such facts made to it, said Board shall order and direct a sum equal to 50% of the average salary of the deceased member for the last five years be paid from said Fund, and not otherwise, to the widow of said deceased member as long as she shall remain unmarried.

Should said deceased member leave no widow but should leave an orphan child or children under the age of 18 years, or should the deceased member leave a widow and child or children under the age of eighteen (18) years and the widow die without remarrying while such child or children are yet under the age of eighteen (18) years, said monthly amount shall be paid to such child or children collectively until the youngest child attains the age of eighteen (18) years, provided, that no child shall receive any payment after attaining the age of eighteen (18) years or after marrying before attaining the age of eighteen (18) years.

Whenever a member is disabled as a result of accident, injury, disability or disease, directly caused by and received in the course of employment and in the performance of his duty he shall receive in the aggregate, either by way of workman's compensation, social security, or the pension plan, and upon satisfactory proof of such facts made to the Board and upon order and direction of the Board, a monthly payment of an amount equal to the salary he was receiving at the time of the accident, for a period not to exceed one year or for such lesser time as such member's disability shall terminate, and if such disability exceeds beyond one year, then the Board shall order and direct the monthly payment to said member of an amount equal to 50% of the average salary received by such member during the period of five (5) years immediately preceding the date of the accident, injury, disability or disease of said member, until such member's disability terminates or until such member's death.

All payments set forth in this Article 6 shall be subject to the deductions set forth in Article 9 of this Section 47.

Nonoccupational death

Article 7. Ordinary Death; Termination of Employment; Death Before Eligibility. In the event a member hereafter dies from natural causes before retirement (and his death is not due to an injury, disability or disease received in the course of his employment and in the performance of his duty), a sum equal to the aggregate amount of payments paid by such member into said Fund together with the pro rata of interest earned by such deceased member's contributions to the Fund from the date of

deposit as determined by the Pension Board, and a sum equal to twice the monthly salary the deceased member received for his last month of active service shall be paid from said Fund, and not otherwise, to his heirs or legal representatives or to such person said member shall have nominated by written designation, duly executed and filed with said Board; provided however that in the event said member is married, the nomination shall not be considered valid unless the execution thereof is joined in by his lawful wife.

In the event a member hereafter leaves the service before retirement and has rendered satisfactory service, and the Board shall so find and shall give to such member a certificate of honorable dismissal, a sum equal to the aggregate amount of the payments paid by said member into said Fund, together with the pro rata of interest earned by such member's contributions to the Fund from the date of deposit as determined by the Pension Board shall be paid from said Fund, and not otherwise, to said member so leaving the service.

Also in the event a retired member hereafter dies before he has received in pension payments a sum equal in the aggregate to the aggregate amount paid by said member into said Fund, a sum equal to the difference between the said aggregate sum received in pension payments by said retired member and the aggregate sum paid into said Fund by said member plus his pro rata of interest earned by his contributions to the Fund from the date of deposit to date of retirement as determined by the Pension Board shall be paid from said Fund, and not otherwise to his heirs or legal representatives or to such person said member shall have nominated by written designation, duly executed and filed with the said Board, provided however that in the event said member is married, the nomination shall not be considered valid unless the execution thereof is joined in by his lawful wife.

Notwithstanding any payments paid to any member as provided in Article 7 herein, no payments theretofore made to the Fund by the City shall be withdrawn by said City except for the payments made or authorized under the provisions of Articles 6 and 10 hereof.

Military service

Article 8. Military Service. Any member who leaves the City's employ on or after January 1, 1940 for the purpose of entering directly into active military service will be reemployed in such member's former job or in a position of like seniority, status and pay unless circumstances beyond the City's control make such reemployment impossible or unreasonable in the opinion of the City Council, if (1) such member is released from active duty within four years after the date he entered active duty plus any period of additional service involuntarily imposed by law as an enlistee or volunteer, or as soon after the expiration of said four years as he is able to obtain orders relieving him from active duty as a reservist, and (2) such member applies for reemployment by the City of Piedmont within ninety (90) days after he is released from active duty, except that if he is

hospitalized immediately after being released and such hospitalization does not last for more than one (1) year, he may apply for reemployment within ninety (90) days after release from the hospital, and (3) such member presents to the City of Piedmont evidence of satisfactory completion of military service, and (4) such member is at the time of his application for reemployment qualified in the opinion of the City Council to perform the duties of such position.

The period during which any member is in the active military service shall be considered as service for the City of Piedmont in computing the years of active service for the purpose of qualifying and becoming eligible for a pension under the provisions of Article 5 of this Section. The City of Piedmont shall provide for the cost of the pension accruing during such period of military service by such member based on the salary received from City of Piedmont at the time of entering military service.

Deductions

Article 9. Consideration of Other Pensions. In the event any retired member, widow, minor child or children or nominee are receiving payments from said Fund under the provisions of Articles 6 or 10 of this Section and are also receiving or are eligible to receive a payment or payments from any other public source pursuant to the provisions of any Federal and/or State Relief Pension Statute or State Compensation Insurance Fund, except a military service pension or payment which accrues during credited service hereunder, said payment or payments so received shall be deducted from time to time from the amount payable under the provisions of Articles 6 or 10 of this Section; provided, however, the monthly payments received under the provisions of Article 6 or Article 10 of this Section, together with the payments from such other public source in the aggregate shall not exceed or be less than the sum said member, widow, minor child or children would normally be entitled to receive under the provisions of Articles 6 or 10 hereof.

Amount

Article 10. Amount of Pension; Joint and Survivor Pension. Whenever any member is retired by the Board as provided in Article 5 he shall receive from the Fund a monthly pension in a sum equal to one-half of the average monthly salary received by such member during the period of five years immediately preceding the date of his retirement. In the event such member remains in service after reaching normal retirement age (having been in active service for twenty-five (25) years and having attained the age of 55 years) the contributions of both the member and the City of Piedmont shall continue until the employee is actually retired from active service, and his pension shall be based upon the last five (5) years of active service by such member.

Subject to such conditions as the Pension Board may prescribe at the time any member is retired by the Board, as provided in Article 5, he may have the option of electing a joint and survivor pension in lieu of the individual retirement pension as set forth in the paragraph above. In the event a member elects to receive a joint and survivor pension such pension shall have

the same actuarial value as the individual pension and shall provide for monthly payments to the survivor (joint annuitant) of the member for the remainder of such survivor's life in accordance with such actuarial value.

Nonoccupational disability

Article 11. Disability—Non Occupational. In the event a member has completed 20 or more years of service and prior to or after reaching the age of fifty-five (55) years such member becomes totally and permanently disabled due to non occupational bodily injury or disease, excluding self-inflicted injury or attempt at suicide, the City of Piedmont shall provide a pension for said member commencing at the age of fifty-five years or after fifty-five (55) years at the time of disability which shall be a sum equal to that fraction of the regular pension provided for under the first paragraph of Article 10 hereof, represented by such member's completed years of service divided by twenty-five (25).

The term "Total and Permanent Disability," as used in this Section, is defined as incapacity of the member resulting from bodily injury or disease which prevents him from performing substantially all of the work pertaining to his occupation or any other occupation for which he is or may be suited by education, training or experience.

Application

Article 12. Application by Survivor. When a widow, minor child or children or nominee become eligible for a payment or payments under the provisions of this Section, application to the Board must be filed within ninety days after the date of eligibility, and said Board shall act on said application within ninety days after the filing thereof.

Article 13. Hearings. Before making any order for the payment of any sum or sums from said Fund, the Board may call and conduct hearings, and may subpoena such witnesses, hear and take such evidence in relation to the subject as in its discretion it may deem proper.

Social Security

Article 14. Social Security. In the event that legislation is adopted which would permit the City of Piedmont to place its Policemen and Firemen under Federal Social Security, then with the concurrence of two-thirds of the then active regular members of the Police and Fire Departments, all regular members shall be obligated to accept Social Security (if such is permitted by the Social Security Law) provided that the total individual retirement pension set forth under Article 10 above including such Social Security, shall not be less than the individual retirement pension as now provided for under Article 10 above. In the event two-thirds of the members concur to accept Social Security as set forth above, the City Council shall be required to place the members under Social Security provided that the aggregate cost to the City of Piedmont shall not exceed the cost of the Pension plan set forth in this Section 47.

Repeal

Article 15. Section 37-a of the Charter of the City of Piedmont is hereby repealed.

That said proposed amendment was published and advertised in accordance with the provisions of Section 8, Article XI of

the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Piedmont in "The Piedmonter", which was then and there a newspaper of general circulation, within said City of Piedmont, and in all the editions thereof issued during the day of publication, there being no official newspaper within the said City of Piedmont.

That the Council of the City of Piedmont, a legislative body of said City, by its certain resolution passed on the nineteenth day of February, 1953, did order the holding of a Special Municipal Election on the twenty-first (21st) day of April, 1953, and did provide in said resolution for the submission of the proposed amendment to the Charter to the qualified electors of said city for their ratification at such election.

That said election was duly called and held on the twenty-first (21st) day of April, 1953, and at said election a majority of qualified electors, voting thereon, voted in favor of and the ratification of, and did ratify the proposed amendment to the Charter of the City of Piedmont hereinabove set forth.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined, and declared by the proper officers thereunto duly and properly authorized, that a majority of the qualified electors voting thereon had voted for and in favor of and ratified the said proposed amendment to said Charter as hereinabove set forth, and we and each of us further certify that we have compared the foregoing enclosed and ratified amendment to the Charter of the City of Piedmont with the original proposal, submitting the same to the electors of said City at the election held on the twenty-first (21st) day of April 1953, and find that the foregoing is a true, full, correct, and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Piedmont to be affixed hereto this seventh day of May, 1953.

(SEAL)

CLAIR W. MACLEOD
President of the City Council
and ex officio Mayor of the
City of Piedmont
JOHN D. PRESTON
City Clerk of the
City of Piedmont

WHEREAS, Said proposed amendments so ratified as hereinbefore set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, Approval

That said amendments to the charter of the City of Piedmont as submitted to, and adopted and ratified by the qualified electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of Piedmont.

CHAPTER 149

Assembly Concurrent Resolution No. 90—Approving amendments to the charter of the City of Monterey, a municipal corporation in the County of Monterey, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the eleventh day of May, 1953.

[Filed with Secretary of State, May 28, 1953.]

City of Monterey: Charter amendments

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of Monterey, a municipal corporation in the County of Monterey, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF MONTEREY } ss.
CITY OF MONTEREY

Certificate

We the undersigned, Dan H. Searle, Mayor of the City of Monterey, and E. C. Walker, City Clerk and ex-officio Assessor of said City, do hereby certify and declare as follows:

That the City of Monterey, a municipal corporation in the County of Monterey, State of California, is now, and at all times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants and less than fifty thousand inhabitants, and has been ever since the 27th day of March 1925, and is now, organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on the 9th day of March, 1925, and approved by the Legislature of the State of California by a concurrent resolution approved by the Legislature of the State of California on the 27th day of March, 1925 (Statutes 1925, Page 1292).

That pursuant to, and in accordance with, the provisions of Section 8, Article XI of the Constitution of the State of California, the Council of the City of Monterey, being the legisla-

tive body thereof, on its own motion, duly and regularly submitted ten proposals for the amendment of certain sections of the Charter of said City, to be voted upon by the qualified electors of said City at a general municipal election held in said City on the 11th day of May, 1953, which said proposals were designated as Proposition No. 1, Proposition No. 2, Proposition No. 3, Proposition No. 4, Proposition No. 5, Proposition No. 6, Proposition No. 7, Proposition No. 8, Proposition No. 9, and Proposition No. 10, respectively.

That pursuant to resolution duly adopted by the City Council of said City of Monterey, the said proposed Charter amendments were duly published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in the Montereyan, a weekly newspaper of general circulation published in said City of Monterey, and the official newspaper of said City.

That copies of said proposed Charter amendments were printed in convenient pamphlet form and in type of not less than 10 point, and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Monterey was published in the said Montereyan, a weekly newspaper of general circulation in said City, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said proposed Charter amendments could be had upon application therefor at the office of said City Clerk until the day fixed for said general municipal election.

That the Council of the City of Monterey, being the legislative body of said City, by its Resolution No. 6496 C.S., duly adopted on the 31st day of March, 1953, did order the submission of said proposed amendments to the Charter of said City at said general municipal election to be held on May 11, 1953, according to the terms of the Charter of said City of Monterey, providing for general municipal elections, which Resolution was pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, and did provide in said Resolution for the submission of the proposed amendments to the Charter of said City to the qualified electors of said City for their ratification at such general municipal election.

That thereafter said general municipal election was duly and regularly held on Monday, May 11, 1953, and the City Council of said City of Monterey did, in the manner provided by law, duly and regularly canvass the returns of said election and did, on the 18th day of May, 1953, by Resolution No. 6529 C.S., duly declare and certify the result of said special municipal election as determined from the canvass of the returns thereof.

That at said election a majority of the qualified electors voting on said proposals, and each of them, to amend the Charter of said City of Monterey voted in favor of said proposals, and each of them, and the said City Council of said City did, by said Resolution No. 6529 C.S., duly adopted on the 18th day of May 1953, find, determine and declare that the said proposed

amendments to the Charter of the City of Monterey, being said Proposition No. 1, Proposition No. 2, Proposition No. 3, Proposition No. 4, Proposition No. 5, Proposition No. 6, Proposition No. 7, Proposition No. 8, Proposition No. 9, and Proposition No. 10, were ratified by a majority of the qualified electors of said City voting thereon.

That said amendments to the Charter so ratified by the qualified electors of the City of Monterey at said general municipal election are in words as follows, to-wit:

PROPOSITION No. 1. That Sections 8 and 16 of the Charter of the City of Monterey be amended to read as follows:

Elective officers

"Section 8. Elective Officers: Elective officers of the City of Monterey shall be a Mayor and four Councilman."

Auditor Duties, eligibility, etc

"Section 16. The Auditor shall be the general accountant of the City. He shall retain and preserve in his office all accounts, books, vouchers, documents and papers relating to the acts and contracts of the City, its debts, revenues and other financial affairs.

"He shall keep an account of all moneys paid into and out of the treasury, and shall approve all lawful demands. He shall always know the exact condition of the treasury.

"He shall approve no demand unless the same has been allowed by the Council and he is satisfied that the money is lawfully due.

"He shall possess such other powers and perform such additional duties as provided elsewhere in this Charter, or as may be prescribed by ordinance.

"No one shall be eligible for the office of Auditor who is not a certified public accountant, or who has not had at least three years practical experience in accountancy and bookkeeping. His salary shall be fixed by ordinance. He shall be appointed by the affirmative vote of three members of the Council."

PROPOSITION No. 2. That Section 66 of the Charter of the City of Monterey be amended to read as follows:

Vacations

"Section 66. Vacations: Vacations of all officers and employees shall be as prescribed by ordinance."

PROPOSITION No. 3. That Section 22 of the Charter of the City of Monterey be amended to read as follows; and Sections 68 and 73½ of the Charter of the City of Monterey be amended by repealing and striking therefrom the whole of said Sections.

Repeal

Appointments

"Section 22. "A. Appointment of Officers and Employees—

(1) The Council shall appoint by affirmative vote of three members, the City Manager, City Clerk and ex-officio Assessor, the Collector, and Police Judge.

(2) The Mayor shall appoint, subject to confirmation by the affirmative vote of three members of the Council, all members of municipal boards, commissions, or committees, except advisory committees to the City Manager.

(3) Officers appointed by the Council may appoint their own deputies when the same are necessary; subject, however, to confirmation by the Council.

(4) The City Manager shall appoint all other officers and employees of the City, except as otherwise herein provided.

"B. Removal of Officers.— Removals

(1) The Council may remove any of its appointees at pleasure, without cause stated, or a hearing had, by the affirmative vote of four members; and may remove any of its appointees for cause, after a hearing as hereinafter provided, by the affirmative vote of three members. This provision shall also apply to members of municipal boards, commissions, and committees, except advisory committees to the City Manager.

(2) The City Manager may remove any of the chief appointive officers, appointed by him, at pleasure, provided that

a. Said officer is served with at least three days written notice of the reason for such removal, which reason need not be for cause as hereinafter defined, and the time and place of a public hearing thereon. Such notice shall be served personally, or by publication once in the official newspaper of the City at least three days prior to the time fixed for the hearing;

b. Said officer is given a public hearing on said proposed removal, which hearing may be informal;

c. The City Manager, after such hearing, shall determine his decision on such matter in writing and file such decision thereafter with the City Clerk. Should the City Manager determine to remove such officer after such hearing, his written decision shall state such fact and the reason therefor. Such decision shall be final and conclusive unless within ten days from the filing thereof it shall be disapproved by a resolution adopted by four affirmative votes of the Council, in which case such decision shall be of no effect.

"C. Removal of Deputies—

(1) Deputies shall be removed by their principals in the same manner as the City Manager removes the chief appointive officers appointed by him.

"D. Removal of Subordinate Officers and Employees—

(1) The City Manager shall remove all other officers and employees of the City, and procedure therefor shall be prescribed by ordinance.

"E. Removal for Cause—

(1) Grounds for removal for cause shall be: Incompetency or physical incapacity to properly discharge the duties of his office; insubordination to a superior officer in the course of his municipal employment; wilful neglect of official duty; wilful failure or refusal to properly perform the same; gross carelessness in the discharge thereof; notorious misconduct of a disgraceful or scandalous nature; habitual intemperance; malfeasance in office; insanity; or conviction of a felony.

(2) Procedure in cases of removal for cause—

a. A written, verified complaint subscribed by the person accusing the officer, specifying the charge alleged against such officer, shall be filed with the City Clerk.

b. Upon the filing of such a complaint, the Mayor shall fix a time and place for a public hearing thereon before the Council, which hearing shall be held within sixty days of the filing of the complaint.

c. The City Clerk shall thereupon, and at least ten days prior to the hearing, serve, or have served, personally upon the accused officer, written notice of such hearing, and to such notice shall be annexed a full and correct copy of the complaint; or, in lieu of personal service, notice of said hearing shall be published once in the official newspaper of the City at least ten days prior to the time fixed for the hearing, and in such published notice, reference shall be made to the complaint on file for further particulars.

d. At the hearing before the Council, evidence for and against the accused may be introduced and the accused may testify in his own behalf; provided, however, that the testimony of all witnesses shall be under oath; and provided further that hearsay testimony shall be inadmissible. Should the accused be found guilty as charged in the complaint by the affirmative votes of three members of the Council after such hearing, said determination shall be final and conclusive, and the accused shall forfeit his office forthwith.

e. If any officer or employee shall be found guilty in a court of competent jurisdiction upon any of the grounds for removal for cause, or upon any charge directly embracing any of such grounds, he may be removed forthwith by the Council, or by the person having the power of removal, without a hearing or notice thereof.

f. Any officer, or employee, upon notification of any pending charge against him, may waive any hearing provided for in this section by tendering his resignation in writing; and, in such case, and upon the acceptance thereof, said hearing shall be dispensed with.

"F. Limitations on Removals—

(1) The Council shall not remove any officer within three months next succeeding a general municipal election except for cause.

(2) The City Manager shall not remove any officer within three months next succeeding his qualification as City Manager unless the reason for so doing is based upon one of the grounds for removal for cause.

"G. Suspension in Lieu of Removal—

(1) Any officer or employee, in lieu of removal, may be suspended up to thirty days without pay for the same reasons or on the same grounds and on the same procedure as herein provided for removal."

PROPOSITION No. 4. That Section 25 of the Charter of the City of Monterey be amended to read as follows:

"Section 25. City Manager Pro Tem:—In case of the extended absence from the City of the City Manager, or his temporary disability to act as such, or a temporary vacancy in the office of City Manager, the Council shall appoint a City Manager pro tem who shall possess the powers and discharge the duties of the City Manager during such absence, disability, or temporary vacancy; but any such appointment shall not exceed six months; provided, however, that a City Manager pro tem shall have no authority to remove any City official or employee except with the unanimous formal approval of all members of the City Council. The City Manager pro tem need not have the qualifications of the City Manager." City manager pro tem

PROPOSITION No. 5. That Section 39 of the Charter of the City of Monterey be amended to read as follows:

"Section 39—Residential Qualifications: All members of City Boards, commissions, Council appointees, and department heads, must be residents, or become residents, of the City of Monterey, within three months after such appointment." Residence requirement

PROPOSITION No. 6. That Sections 50, 51 and 52 of the Charter of the City of Monterey be amended to read as follows:

"Section 50. Annual Tax Levy: The Council must finally adopt, not later than its first regular meeting in August, an ordinance levying upon the assessed valuation of all property in the City, a rate of taxation sufficient to raise the amounts estimated to be required in the annual budget as herein provided, less the amounts estimated to be received from fines, licenses, and other sources of revenue. The Council shall then deliver the assessment roll to the Auditor, who shall thereupon compute and carry out the amount of the tax so levied on each parcel of property contained in the assessment roll. The corrected list for each such tax shall be the assessment roll of said tax for said year, and it shall be certified by the Auditor as being the assessment roll of said City." Annual tax levy

"Section 51. Limit of Tax Levy: The tax levy authorized by the Council to meet the municipal expenses for each fiscal year shall not exceed the rate of two dollars on each one hundred dollars of the assessed valuation of the real and personal property within the City, except as this Charter otherwise provides. The moneys collected from such levy shall be placed in the general fund of the City, and may be apportioned as determined by the Council. Same Limitation

"The foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended for any one fiscal year if authorized by ordinance adopted by the vote of the electors of the City."

"Section 52. Special Tax Levy: The Council shall have the power to levy and collect taxes in addition to the taxes herein provided for municipal purposes, sufficient to pay and maintain the sinking fund for the bonded indebtedness of the City." Special tax levy

PROPOSITION No. 7. That Section 21 of the Charter of the City of Monterey be amended to read as follows:

Elective office vacancies

"Section 21. Vacancies: A vacancy in an elective office shall be filled by appointment by the Council, such appointee to hold office until the next general municipal election and until his successor is elected and qualified. Such successor shall be elected for the unexpired term of his predecessor at the general municipal election next succeeding such appointment. Should the Council fail to fill any such vacancy within forty days after the same occurs, then it shall be filled by appointment by the Mayor; provided, however, that if the offices of a majority, or more, of the Council shall become vacant, the City Clerk shall call a special municipal election to fill the same, which election shall be held within sixty days of the existence of said vacancies, and each candidate elected at such election shall hold office for the unexpired term of his predecessor.

"If any officer of the City shall die, or be removed from office as herein provided, or shall remove, or absent himself, from the City for more than thirty days consecutively, without permission of the Council, or for said period shall wilfully fail to qualify, or shall resign, or be adjudged insane, or be convicted of a felony, his office shall thereupon become vacant.

"In the event a Councilman with an unexpired term is elected as Mayor and resigns as Councilman after the election and prior to taking his oath of office as Mayor, the vacancy so created shall be filled by the Council after the newly elected members have qualified."

PROPOSITION No. 8. That Section 63½ of the Charter of the City of Monterey be amended to read as follows:

Cemetery board

"Section 63½. Municipal Cemetery Board: Powers and Duties—

"The Council is authorized to create by ordinance a Municipal Cemetery Board to control, manage, improve and beautify Cimenterio El Encinal and other public cemeteries of the City, and to prescribe in such ordinance the qualifications, terms, powers and duties of said members and said Board, respectively."

PROPOSITION No. 9. That Section 28 of the Charter of the City of Monterey be amended to read as follows:

Police judge and court

"Section 28. Police Judge and Police Court: There shall be a Police Judge appointed by the Council. He shall be the Judge of the Police Court, which is hereby established. The Police Court shall have jurisdiction, concurrently with the Justice's Courts—Class A of all actions and proceedings, civil and criminal, arising within the corporate limits of the City, and which might be tried in such Justice's Court; and said Police Court shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of the City; of all actions founded upon any obligation created by any ordinance thereof; and of all prosecutions for the violation of any such ordinance. In all criminal actions where the fine, penalty, or forfeiture prescribed

for the breach of any ordinance of the City is not more than one hundred dollars, the trial must be by the Court. In criminal actions where the fine, penalty or forfeiture prescribed for the breach of any ordinance of the City is over one hundred dollars, the defendant is, upon his demand, entitled to a jury. Except as in this section otherwise provided, the rules and practice and mode of proceeding in said Police Court shall be the same as are or may be prescribed by law for Justice's Courts in like cases; and appeals may be taken to the Superior Court from all judgments of said Police Court in like manner and with like effect as in cases of appeals from Justice's Courts.

"The Police Judge shall have all powers and perform the duties of a magistrate and may administer and certify oaths and affirmations and take and certify acknowledgments. All fines, fees and costs collected by him shall be paid into the City treasury within forty-eight hours from and after the receipt thereof. He shall make such periodical reports as the Council may require.

"In all cases in which the Police Judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in cases of sickness or inability to act, he may call upon any Justice of the Peace, residing in the County of Monterey, to act in his stead.

"The salary and duties of the Police Judge shall be fixed by ordinance.

"This section shall again be effective when and if the Constitution of the State of California is amended to allow a City Police Judge and Police Court."

PROPOSITION No. 10. That Sections 63 and 71 of the Charter of the City of Monterey be amended to read as follows:

"Section 63. There shall be a Board of Library Trustees consisting of five members to be appointed by the Mayor with the approval of three members of the City Council. No person shall be eligible for appointment to the Board of Library Trustees unless he shall have been a resident and elector of the City of Monterey for at least three years next preceding his appointment, provided that trustees in office at the time of adoption of this Charter Amendment shall continue to hold office until the expiration of their terms. Terms of Library Trustees shall be four years, two of which shall start July 1, 1954, and end June 30, 1958, and three of which shall start July 1, 1956, and end June 30, 1960. Board of library trustees

"The Board of Library Trustees shall have the following powers, duties and responsibilities:

(a) To select all books, magazines, periodicals, recordings, films, pictures, photographs, programs received through electronic media, documents, or any other cultural items for circulation from or study in, the Monterey Public Library.

(b) To make and enforce such by-laws, rules and regulations as it may deem necessary for the administration of the Monterey Public Library program.

(c) To appoint and remove the Librarian, who shall be the department head, and any such other library personnel as may be necessary for the operation of the Library program.

(d) To perform such additional duties and have such additional powers as may be prescribed by ordinance.

"There shall be maintained a Library Trust Fund which shall consist of the present Library Trust Fund together with all gifts, devises or bequests received for the use of the Library hereafter and all miscellaneous revenues of the Library, except fines. Expenditures from said fund shall be made by the Council for such Library purposes as are requested by the Library Board and as are in conformity with the conditions of any such gifts, devises or bequests."

Salary fund

"Section 71. The salaries of all officers and employees of the City shall be paid out of the general fund until such time as the Council shall create a salary fund therefrom, in which event such salaries shall be paid from the salary fund."

And we further certify that we have compared the foregoing amendments with the original proposals filed and submitted to the qualified electors of the City of Monterey, as aforesaid, and find that the foregoing are full, true, and exact copies thereof.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Seal of said City of Monterey to be affixed hereto this 19th day of May 1953.

(SEAL)

DAN H. SEARLE
Mayor of the City of Monterey
E. C. WALKER
City Clerk of Said City

WHEREAS, Said proposed amendments so ratified as hereinbefore set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Monterey as submitted to, and adopted and ratified by, the qualified electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of Monterey.

CHAPTER 150

Assembly Concurrent Resolution No. 91—Approving an amendment to the charter of the City of Santa Barbara, State of California, voted for and ratified by the electors of such city at a general municipal election held therein on May 5, 1953.

[Filed with Secretary of State, May 28, 1953.]

City of Santa Barbara Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment, hereinafter set forth, to the charter of the City of Santa Barbara, a municipal corporation, in the County of Santa Barbara, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA } ss.
CITY OF SANTA BARBARA

Certificate

We, the undersigned Norris Montgomery, Mayor and presiding officer of the City Council of the City of Santa Barbara, and Faye Griffen, City Clerk and ex-officio clerk of the Council of said city, do hereby certify as follows:

That the City of Santa Barbara, a municipal corporation, in the County of Santa Barbara, State of California, now is and at all times herein mentioned was, a city containing a population of more than 3500 inhabitants and less than 50,000 inhabitants, and ever since the year 1927 has been and now is organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of such city at a special election held for that purpose on the 16th day of November, 1926, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State January 19, 1927 (Stats. 1927, p. 2061).

That the City Council of said city, being its legislative body, on its own motion, and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, duly and regularly submitted to the qualified electors of the City of Santa Barbara a certain proposal for the amendment of the charter of said city to be voted upon by said qualified electors at a General Municipal Election called and held for that purpose in said city on the 5th day of May, 1953.

That said proposed amendment was duly and regularly published and advertised on March 18, 1953, in accordance with Section 8 of Article XI of the Constitution of the State of California, in the "Santa Barbara News-Press," a daily newspaper of general circulation, printed, published and circulated in said city, there being no official paper of said city.

That copies of said proposed amendment were printed in convenient pamphlet form and in type of not less than ten point,

and until the date fixed for the election hereinafter described, and as required by law, a notice was published in said "Santa Barbara News-Press" that such copies could be had upon application therefor at the office of the City Clerk of the City of Santa Barbara.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the date fixed for the election hereinafter described. That copies thereof were duly mailed to each of the qualified electors of said city.

That said City Council did by Ordinance No. 2394 order the holding of a General Municipal Election in said City of Santa Barbara on May 5th, 1953, for the purpose of submitting to a vote of the electors of said city, said proposed charter amendment, and which date of election was not less than forty days nor more than sixty days after the completion of the publication of the said proposed charter amendment as aforesaid, and at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify said proposed amendment to the charter of said city.

That the City Council of the City of Santa Barbara, in accordance with the law in such cases made and provided, did meet on the 12th day of May, 1953, at a regular adjourned meeting of such Council, and duly canvassed the returns of said election as certified by the election boards.

That the City Council of the City of Santa Barbara, in accordance with the law in such cases made and provided, did meet again on the 22nd day of May, 1953 at a regular adjourned meeting of such Council and duly counted the absentee ballots of said election and completed the canvass of entire election and duly found and determined and declared that said proposed amendment to the charter of the City of Santa Barbara hereinafter set forth was ratified by a majority of the electors of said city voting thereon.

That said amendment to the charter so ratified by the electors of the City of Santa Barbara is in words and figures as follows, to-wit:

CHARTER AMENDMENT

Article II of the Charter of the City of Santa Barbara is hereby amended by adding thereto a new Section, to be known and designated as Section 15.2 and to read as follows:

"ARTICLE II

Assessor's salary

Section 15.2. Notwithstanding any other provision in this Charter contained, the salary of the Assessor shall be fixed by ordinance by the Council, but in no event shall said salary be less than $3,600.00 per annum.

In any and all respects wherein this Section conflicts with Section 15 of Article II of the Charter of the City of Santa Barbara, or with any other Section or Article of said Charter,

the latter shall to the extent of such conflict only, be deemed repealed.

This Amendment contained in this Section numbered 15.2 of Article II of the Charter of the City of Santa Barbara shall take effect on and not before the first day of the calendar month next succeeding the date of approval thereof by the Legislature of the State of California."

We further certify that we have compared the foregoing proposed and ratified amendment to the charter of the City of Santa Barbara with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Santa Barbara to be affixed hereto this 22nd day of May, 1953.

(SEAL)

NORRIS MONTGOMERY
Mayor of the City of Santa Barbara
FAYE GRIFFEN
City Clerk and ex-officio clerk of the Council of the City of Santa Barbara.

WHEREAS, The said proposed charter amendment as ratified as hereinbefore set forth, has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein. That the aforementioned amendment to the charter of the City of Santa Barbara as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Santa Barbara.

CHAPTER 151

Assembly Concurrent Resolution No. 92—Approving an amendment to the charter of the City of Santa Barbara, State of California, voted for and ratified by the electors of such city at a general municipal election held therein on May 5, 1953.

[Filed with Secretary of State, May 28, 1953.]

City of Santa Barbara Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment, hereinafter set forth, to the charter of the City of Santa Barbara,

a municipal corporation, in the County of Santa Barbara, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA } ss.
CITY OF SANTA BARBARA

Certificate

We, the undersigned Norris Montgomery, Mayor and presiding officer of the City Council of the City of Santa Barbara, and Faye Griffen, City Clerk and ex-officio clerk of the Council of said city, do hereby certify as follows:

That the City of Santa Barbara, a municipal corporation, in the County of Santa Barbara, State of California, now is and at all times herein mentioned was, a city containing a population of more than 3500 inhabitants and less than 50,000 inhabitants, and ever since the year 1927 has been and now is organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of such city at a special election held for that purpose on the 16th day of November, 1926, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State January 19, 1927 (Stats. 1927, p. 2061).

That the City Council of said city, being its legislative body, on its own motion, and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, duly and regularly submitted to the qualified electors of the City of Santa Barbara a certain proposal for the amendment of the charter of said city to be voted upon by said qualified electors at a General Municipal Election called and held for that purpose in said city on the 5th day of May, 1953.

That said proposed amendment was duly and regularly published and advertised on March 18, 1953, in accordance with Section 8 of Article XI of the Constitution of the State of California, in the "Santa Barbara News-Press", a daily newspaper of general circulation, printed, published and circulated in said city, there being no official paper of said city.

That copies of said proposed amendment were printed in convenient pamphlet form and in type of not less than ten point, and until the date fixed for the election hereinafter described, and as required by law, a notice was published in said "Santa Barbara News-Press" that such copies could be had upon application therefor at the office of the City Clerk of the City of Santa Barbara.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the date fixed for the election hereinafter described. That copies thereof were duly mailed to each of the qualified electors of said city.

That said City Council did by Ordinance No. 2394 order the holding of a General Municipal Election in said City of Santa

Barbara on May 5th, 1953, for the purpose of submitting to a vote of the electors of said city, said proposed charter amendment, and which date of election was not less than forty days nor more than sixty days after the completion of the publication of the said proposed charter amendment as aforesaid, and at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify said proposed amendment to the charter of said city.

That the City Council of the City of Santa Barbara, in accordance with the law in such cases made and provided, did meet on the 12th day of May, 1953, at a regular adjourned meeting of such Council, and duly canvassed the returns of said election as certified by the election boards.

That the City Council of the City of Santa Barbara, in accordance with the law in such cases made and provided, did meet again on the 22nd day of May, 1953 at a regular adjourned meeting of such Council and duly counted the absentee ballots of said election and completed the canvass of entire election and duly found and determined and declared that said proposed amendment to the charter of the City of Santa Barbara hereinafter set forth was ratified by a majority of the electors of said city voting thereon.

That said amendment to the charter so ratified by the electors of the City of Santa Barbara is in words and figures as follows, to-wit:

CHARTER AMENDMENT

Article II of the Charter of the City of Santa Barbara is hereby amended by adding thereto a new Section, to be known and designated as Section 15.1 and to read as follows:

"ARTICLE II

City attorney's salary

Section 15.1. Notwithstanding any other provision in this Charter contained, the salary of the City Attorney shall be fixed by ordinance by the Council, but in no event shall said salary be less than $3,600.00 per annum.

In any and all respects wherein this Section conflicts with Section 15 of Article II of the Charter of the City of Santa Barbara, or with any other Section or Article of said Charter, the latter shall to the extent of such conflict only, be deemed repealed.

This Amendment contained in this Section numbered 15.1 of Article II of the Charter of the City of Santa Barbara shall take effect on and not before the first day of the calendar month next succeeding the date of approval thereof by the Legislature of the State of California."

We further certify that we have compared the foregoing proposed and ratified amendment to the charter of the City of Santa Barbara with the original proposal submitting the same

to the electors of said city and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the seal of the City of Santa Barbara to be affixed hereto this 22nd day of May, 1953.

(SEAL)

NORRIS MONTGOMERY
Mayor of the City of Santa Barbara
FAYE GRIFFEN
City Clerk and ex-officio clerk of the Council of the City of Santa Barbara.

WHEREAS, The said proposed charter amendment as ratified as hereinbefore set forth, has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendment to the charter of the City of Santa Barbara as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Santa Barbara.

CHAPTER 152

Assembly Concurrent Resolution No. 93—Approving an amendment to the charter of the City of Santa Barbara, State of California, voted for and ratified by the electors of such city at a general municipal election held therein on May 5, 1953.

[Filed with Secretary of State, May 28, 1953.]

City of Santa Barbara. Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment, hereinafter set forth, to the charter of the City of Santa Barbara, a municipal corporation, in the County of Santa Barbara, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA } ss.
CITY OF SANTA BARBARA

Certificate

We, the undersigned Norris Montgomery, Mayor and presiding officer of the City Council of the City of Santa Barbara, and

Faye Griffen, City Clerk and ex-officio clerk of the Council of said city, do hereby certify as follows:

That the City of Santa Barbara, a municipal corporation, in the County of Santa Barbara, State of California, now is and at all times herein mentioned was, a city containing a population of more than 3500 inhabitants and less than 50,000 inhabitants, and ever since the year 1927 has been and now is organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of such city at a special election held for that purpose on the 16th day of November, 1926, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State January 19, 1927 (Stats. 1927, p. 2061).

That the City Council of said city, being its legislative body, on its own motion, and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, duly and regularly submitted to the qualified electors of the City of Santa Barbara a certain proposal for the amendment of the charter of said city to be voted upon by said qualified electors at a General Municipal Election called and held for that purpose in said city on the 5th day of May, 1953.

That said proposed amendment was duly and regularly published and advertised on March 18, 1953, in accordance with Section 8 of Article XI of the Constitution of the State of California, in the "Santa Barbara News-Press", a daily newspaper of general circulation, printed, published and circulated in said city, there being no official paper of said city.

That copies of said proposed amendment were printed in convenient pamphlet form and in type of not less than ten point, and until the date fixed for the election hereinafter described, and as required by law, a notice was published in said "Santa Barbara News-Press" that such copies could be had upon application therefor at the office of the City Clerk of the City of Santa Barbara.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the date fixed for the election hereinafter described. That copies thereof were duly mailed to each of the qualified electors of said city.

That said City Council did by Ordinance No. 2394 order the holding of a General Municipal Election in said City of Santa Barbara on May 5th, 1953, for the purpose of submitting to a vote of the electors of said city, said proposed charter amendment, and which date of election was not less than forty days nor more than sixty days after the completion of the publication of the said proposed charter amendment as aforesaid, and at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify said proposed amendment to the charter of said city.

That the City Council of the City of Santa Barbara, in accordance with the law in such cases made and provided, did meet

on the 12th day of May, 1953, at a regular adjourned meeting of such Council, and duly canvassed the returns of said election as certified by the election boards.

That the City Council of the City of Santa Barbara, in accordance with the law in such cases made and provided, did meet again on the 22nd day of May, 1953 at a regular adjourned meeting of such Council and duly counted the absentee ballots of said election and completed the canvass of entire election and duly found and determined and declared that said proposed amendment to the charter of the City of Santa Barbara hereinafter set forth was ratified by a majority of the electors of said city voting thereon.

That said amendment to the charter so ratified by the electors of the City of Santa Barbara is in words and figures as follows, to-wit:

CHARTER AMENDMENT

Section 63 of Article IV of the Charter of the City of Santa Barbara is hereby amended to read as follows:

"ARTICLE IV
CITY ATTORNEY

City attorney

Section 63. The City Attorney must have been admitted to practice before all Courts of the State of California, and must have been in the regular practice of law for a period of three years next prior to the date of his qualification and taking office, and must have been a resident of this City for one year next prior to the date of his qualification and taking office.

The City Attorney shall be the chief legal advisor of, and attorney for the City and all Departments and officers thereof in matters relating to their official powers and duties. He may appoint such assistants, deputies and employees to serve him, as may be provided by ordinance of the Council, at such salaries or compensation as the Council, by ordinance, shall prescribe.

It shall be his duty, either personally or by such assistants or deputies as he may designate: (a) to perform all services incident to the legal department; (b) to prosecute on behalf of the people all criminal cases arising upon violations of the provisions of this Charter and City ordinances; (c) to attend to all suits and other matters to which the City is a party or in which the City may be legally interested; (d) to be in attendance at every meeting of the Council, unless excused therefrom by the Mayor or the Council; (e) to give his advice or opinion in writing whenever required by the Mayor, Council, or other City officers; (f) to approve the form of all bonds given to, and all contracts made with, the City; (g) when required by the Council or any member thereof, to draft any and all proposed ordinances and resolutions for the City, and amendments thereto; and (h) to do and perform all such things touching his office, as the Council or Mayor may require of him.

The City Attorney shall have charge and custody of all legal papers, books, and dockets belonging to the City pertaining to his office, and, upon a receipt therefor, may demand and receive from any officer of the City any book, paper, documents, or evidence necessary to be used in any suit, or required for the purpose of his office.

The Council shall have power to direct and control the prosecution and defense of all suits and proceedings to which the City is a party or in which it is interested, and may employ special counsel to take charge thereof or to assist the City Attorney, his deputies or assistants, therein and provide for the compensation of and pay such special counsel.

The Council shall have authority to employ additional competent technical attorneys to investigate, attend to or advise on matters connected with the Departments of the City when such assistance or advice is necessary in connection therewith. The Council shall provide for the compensation of and pay such additional attorneys.

In any and all respects wherein the provisions of this Section conflict with any other Section or Article of this Charter, the latter shall to the extent of such conflict only, be deemed repealed.

This Amendment contained in this Section numbered 63 of Article IV of the Charter of the City of Santa Barbara shall take effect on and not before the first day of the calendar month next succeeding the date of approval thereof by the Legislature of the State of California."

We further certify that we have compared the foregoing proposed and ratified amendment to the charter of the City of Santa Barbara with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the seal of the City of Santa Barbara to be affixed hereto this 22nd day of May, 1953.

NORRIS MONTGOMERY
(SEAL) Mayor of the City of Santa Barbara
FAYE GRIFFEN
City Clerk and ex-officio clerk of the Council of the City of Santa Barbara.

WHEREAS, The said proposed charter amendment as ratified as hereinbefore set forth, has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to Approval

each house voting therefor and concurring therein, That the aforementioned amendment to the charter of the City of Santa Barbara as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Santa Barbara.

CHAPTER 153

Assembly Concurrent Resolution No. 94—Approving an amendment to the charter of the City of Santa Barbara, State of California, voted for and ratified by the electors of such city at a general municipal election held therein on May 5, 1953.

[Filed with Secretary of State, May 28, 1953.]

City of Santa Barbara· Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment, hereinafter set forth, to the charter of the City of Santa Barbara, a municipal corporation, in the County of Santa Barbara, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA } ss.
CITY OF SANTA BARBARA

Certificate

We, the undersigned Norris Montgomery, Mayor and presiding officer of the City Council of the City of Santa Barbara, and Faye Griffen, City Clerk and ex-officio clerk of the Council of said city, do hereby certify as follows:

That the City of Santa Barbara, a municipal corporation, in the County of Santa Barbara, State of California, now is and at all times herein mentioned was, a city containing a population of more than 3500 inhabitants and less than 50,000 inhabitants, and ever since the year 1927 has been and now is organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of such city at a special election held for that purpose on the 16th day of November, 1926, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State January 19, 1927 (Stats. 1927, p. 2061).

That the City Council of said city, being its legislative body, on its own motion, and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, duly and regularly submitted to the qualified electors of the City of Santa Barbara a certain proposal for the amendment of the charter of said city to be voted upon by said quali-

fied electors at a General Municipal Election called and held for that purpose in said city on the 5th day of May, 1953.

That said proposed amendment was duly and regularly published and advertised on March 18, 1953, in accordance with Section 8 of Article XI of the Constitution of the State of California, in the "Santa Barbara News-Press", a daily newspaper of general circulation, printed, published and circulated in said city, there being no official paper of said city.

That copies of said proposed amendment were printed in convenient pamphlet form and in type of not less than ten point, and until the date fixed for the election hereinafter described, and as required by law, a notice was published in said "Santa Barbara News-Press" that such copies could be had upon application therefor at the office of the City Clerk of the City of Santa Barbara.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the date fixed for the election hereinafter described. That copies thereof were duly mailed to each of the qualified electors of said city.

That said City Council did by Ordinance No. 2394 order the holding of a General Municipal Election in said City of Santa Barbara on May 5th, 1953, for the purpose of submitting to a vote of the electors of said city, said proposed charter amendment, and which date of election was not less than forty days nor more than sixty days after the completion of the publication of the said proposed charter amendment as aforesaid, and at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify said proposed amendment to the charter of said city.

That the City Council of the City of Santa Barbara, in accordance with the law in such cases made and provided, did meet on the 12th day of May, 1953, at a regular adjourned meeting of such Council, and duly canvassed the returns of said election as certified by the election boards.

That the City Council of the City of Santa Barbara, in accordance with the law in such cases made and provided, did meet again on the 22nd day of May, 1953 at a regular adjourned meeting of such Council and duly counted the absentee ballots of said election and completed the canvass of entire election and duly found and determined and declared that said proposed amendment to the charter of the City of Santa Barbara hereinafter set forth was ratified by a majority of the electors of said city voting thereon.

That said amendment to the charter so ratified by the electors of the City of Santa Barbara is in words and figures as follows, to-wit:

CHARTER AMENDMENT

Section 147 of Article XXII of the Charter of the City of Santa Barbara is hereby amended to read as follows:

"ARTICLE XXII

Officers' and employees' residence and citizenship

Section 147: In addition to all other provisions in this Charter relating to citizenship or residence of the persons elected to office, all elective officers of the City must be citizens of the United States of America and, during their term of office, must reside in the City.

All appointive officers, deputies, clerks, assistants and employees of the City and the departments thereof, except such as may be employed for special purposes, must be citizens of the United States of America and, during their term of office or employment, must reside in the City; it being provided that none of said appointive officers, deputies, clerks, assistants or employees of the City or the departments thereof, need reside in the City prior to the date of their appointment.

The Council shall have authority to waive the requirement that he must reside in the City for an initial period not to exceed six months immediately succeeding the date of appointment or employment of any appointive officer (other than a member of any Board or Commission of the City), and any deputy, clerk, assistant or employee of the City or the Departments thereof.

The provisions of this Section shall be deemed to be amendatory of all other provisions in the Charter relating to citizenship or residence of the persons herein mentioned, whether heretofore existing or contained in Sections amended in other respects concurrently with the adoption of this amendment. Section 147 of Article XXII of the Charter of the City of Santa Barbara, as written prior to the adoption of this amendment, is hereby repealed.

This amendment contained in this Section numbered 147 of Article XXII of the Charter of the City of Santa Barbara shall take effect on and not before the first day of the calendar month next succeeding the date of approval thereof by the Legislature of the State of California."

We further certify that we have compared the foregoing proposed and ratified amendment to the charter of the City of Santa Barbara with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the seal of the City of Santa Barbara to be affixed hereto this 22nd day of May, 1953.

NORRIS MONTGOMERY
(SEAL) Mayor of the City of Santa Barbara
FAYE GRIFFEN
City Clerk and ex-officio clerk of the Council of the City of Santa Barbara.

WHEREAS, The said proposed charter amendment as ratified as hereinbefore set forth, has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendment to the charter of the City of Santa Barbara as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Santa Barbara. Approval

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CHAPTER 154

Assembly Concurrent Resolution No. 95—Approving an amendment to the charter of the City of Santa Barbara, State of California, voted for and ratified by the electors of such city at a general municipal election held therein on May 5, 1953.

[Filed with Secretary of State, May 28, 1953.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment, hereinafter set forth, to the charter of the City of Santa Barbara, a municipal corporation, in the County of Santa Barbara, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit: City of Santa Barbara. Charter amendments

STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA } ss.
CITY OF SANTA BARBARA

We, the undersigned Norris Montgomery, Mayor and presiding officer of the City Council of the City of Santa Barbara, and Faye Griffen, City Clerk and ex-officio clerk of the Council of said city, do hereby certify as follows: Certificate

That the City of Santa Barbara, a municipal corporation, in the County of Santa Barbara, State of California, now is and at all times herein mentioned was, a city containing a population of more than 3500 inhabitants and less than 50,000 inhabitants, and ever since the year 1927 has been and now is organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of such city at a special election held for that purpose on the 16th day of November, 1926, and approved by the Legislature of the State of California by

concurrent resolution filed with the Secretary of State January 19, 1927 (Stats. 1927, p. 2061).

That the City Council of said city, being its legislative body, on its own motion, and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, duly and regularly submitted to the qualified electors of the City of Santa Barbara a certain proposal for the amendment of the charter of said city to be voted upon by said qualified electors at a General Municipal Election called and held for that purpose in said city on the 5th day of May, 1953.

That said proposed amendment was duly and regularly published and advertised on March 18, 1953, in accordance with Section 8 of Article XI of the Constitution of the State of California, in the "Santa Barbara News-Press", a daily newspaper of general circulation, printed, published and circulated in said city, there being no official paper of said city.

That copies of said proposed amendment were printed in convenient pamphlet form and in type of not less than ten point, and until the date fixed for the election hereinafter described, and as required by law, a notice was published in said "Santa Barbara News-Press" that such copies could be had upon application therefor at the office of the City Clerk of the City of Santa Barbara.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the date fixed for the election hereinafter described. That copies thereof were duly mailed to each of the qualified electors of said city.

That said City Council did by Ordinance No. 2394 order the holding of a General Municipal Election in said City of Santa Barbara on May 5th, 1953, for the purpose of submitting to a vote of the electors of said city, said proposed charter amendment, and which date of election was not less than forty days nor more than sixty days after the completion of the publication of the said proposed charter amendment as aforesaid, and at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify said proposed amendment to the charter of said city.

That the City Council of the City of Santa Barbara, in accordance with the law in such cases made and provided, did meet on the 12th day of May, 1953, at a regular adjourned meeting of such Council, and duly canvassed the returns of said election as certified by the election boards.

That the City Council of the City of Santa Barbara, in accordance with the law in such cases made and provided, did meet again on the 22nd day of May, 1953 at a regular adjourned meeting of such Council and duly counted the absentee ballots of said election and completed the canvass of entire election and duly found and determined and declared that said proposed amendment to the charter of the City of Santa Barbara hereinafter set forth was ratified by a majority of the electors of said city voting thereon.

That said amendment to the charter so ratified by the electors of the City of Santa Barbara is in words and figures as follows, to-wit:

CHARTER AMENDMENT

The Charter of the City of Santa Barbara is hereby amended by repealing Section 2 of Article XIV-A thereof and by adding thereto new Sections to be designated as Sections 2, 2.1 and 2.2 of Article XIV-A of said Charter to read as follows:

"ARTICLE XIV-A
CIVIL SERVICE PROVISIONS

Fire and police departments

Section 2. Notwithstanding any other provision in this Charter contained, the Board of Civil Service Commissioners of the City of Santa Barbara shall have exclusive jurisdiction to hear and determine all matters involving the suspension, removal or dismissal from the service, or reduction in rank, of members of the Fire or Police Department, as in this Article provided, except in case of suspension or removal for lack of funds. The Chief of the Fire Department and the Chief of Police shall not be included within the civil service provisions of this Charter, but they shall be included within the fire and police pension provisions thereof. It is provided however that the elevation of a member of the Fire or Police Department to the office of Chief thereof shall neither deprive such member of, nor alter, his civil service status as a member of the department in the rank held by him at the time of such elevation. In such case such former rank of said member shall continue and remain protected under the civil service provisions of this Charter during his period of service as Chief of the department, and upon the termination of such service as Chief thereof, from whatever cause, he shall actively resume the duties of his said former rank with all rights and privileges conferred by the civil service provisions of this Charter and without loss of seniority the same as though his service in such former rank had not been interrupted. Any member of the Fire or Police Departments who shall be elevated to the office of Chief thereof shall, for and during the period of his said service as Chief, be entitled only to the salary of the Chief of such department and not to the salary derived from his former rank therein.

Section 2.1. The members of the Fire and Police Departments, after completing a six months' probationary period upon first entering the service, shall hold office during good behavior and shall not be suspended, removed or dismissed from the service, or reduced in rank, except for good cause, after a public hearing, or in case of suspension or removal for lack of funds; provided, however, that after becoming eligible to retire under any applicable fire and police pension provision of this Charter, any member may be retired by order of the Board of Fire and Police Pension Commissioners for the good of the service without hearing.

The Chief of the Fire Department and the Chief of the Police Department shall have power to suspend, remove or dismiss from the service or to reduce in rank, for good cause, any member of their respective departments, but when such power is exercised he shall file a written statement of the reasons with the Board of Civil Service Commissioners with certification that a copy of such statement has been served upon the person so suspended, removed or dismissed from the service or so reduced in rank, personally, or if he cannot be found within the City of Santa Barbara after reasonable inquiry, by mailing such copy by registered mail to the last residence address of such member according to the records of such department. Upon such filing, such suspension, removal or dismissal from the service or such reduction in rank shall take effect. Within fifteen days after such statement shall have been filed, the said Board, upon its own motion, may, or upon written application of such member filed with the said Board within five days after service upon him of such statement, shall proceed to hold a public hearing upon the matter of such suspension, removal or dismissal from the service or of such reduction in rank. If, after such hearing said Board shall find that the grounds stated for such suspension, removal or dismissal from the service or for such reduction in rank were insufficient or were not sustained, and also finds in writing that the person so suspended, removed or dismissed from the service or so reduced in rank is a fit and suitable person to fill the position or rank from which he was suspended, removed, dismissed or reduced, as the case may be, said Board shall order said person to be reinstated and restored to duty in his former status and rank from which he was suspended, removed, dismissed or reduced, with pay during said lay-off period. If the said Board shall find that the grounds stated for such suspension, removal or dismissal from the service or for such reduction in rank were sufficient and sustained by the evidence, it may suspend, remove or dismiss from the service or reduce in rank or otherwise discipline the offending member. The decision of such Board upon all matters of suspension, removal or dismissal from the service or of reduction in rank shall be final. In the event of the removal or dismissal of any member from the Police or Fire Departments for good cause, but not for lack of funds, such member shall forfeit all rights and privileges under the fire and police pension provisions of this Charter as now or hereafter provided except that if such member shall have completed five years of contributions by way of salary deductions to any pension fund, he shall be entitled to withdraw the amount of his contributions without interest upon such removal.

Repeal

Section 2.2. In any and all respects wherein the foregoing Sections numbered 2 and 2.1 of Article XIV-A of the Charter of the City of Santa Barbara conflict with Section 1 of Article XIV-A of said Charter, or with any other Section or Article thereof, the latter shall to the extent of such conflict only be deemed repealed. Section 2 of Article XIV-A of said Charter as

written prior to the amendments contained herein, is hereby repealed.

This amendment contained in the foregoing Sections numbered 2 and 2.1 and this Section numbered 2.2 of Article XIV-A of the Charter of the City of Santa Barbara shall take effect on and not before the first day of the calendar month next succeeding the date of approval thereof by the Legislature of the State of California." Effective date

We further certify that we have compared the foregoing proposed and ratified amendment to the charter of the City of Santa Barbara with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the seal of the City of Santa Barbara to be affixed hereto this 22nd day of May, 1953.

(SEAL)

NORRIS MONTGOMERY
Mayor of the City of Santa Barbara
FAYE GRIFFEN
City Clerk and ex-officio clerk of the Council of the City of Santa Barbara.

WHEREAS, The said proposed charter amendment as ratified as hereinbefore set forth, has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendment to the charter of the City of Santa Barbara as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Santa Barbara. Approval

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CHAPTER 155

Assembly Concurrent Resolution No. 96—Approving an amendment to the charter of the City of Santa Barbara, State of California, voted for and ratified by the electors of such city at a general municipal election held therein on May 5, 1953.

[Filed with Secretary of State, May 28, 1953.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment, here- City of Santa Barbara Charter amendment

inafter set forth, to the charter of the City of Santa Barbara, a municipal corporation, in the County of Santa Barbara, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA } ss.
CITY OF SANTA BARBARA

Certificate

We, the undersigned Norris Montgomery, Mayor and presiding officer of the City Council of the City of Santa Barbara, and Faye Griffen, City Clerk and ex-officio clerk of the Council of said city, do hereby certify as follows:

That the City of Santa Barbara, a municipal corporation, in the County of Santa Barbara, State of California, now is and at all times herein mentioned was, a city containing a population of more than 3500 inhabitants and less than 50,000 inhabitants, and ever since the year 1927 has been and now is organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of such city at a special election held for that purpose on the 16th day of November, 1926, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State January 19, 1927 (Stats. 1927, p. 2061).

That the City Council of said city, being its legislative body, on its own motion, and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, duly and regularly submitted to the qualified electors of the City of Santa Barbara a certain proposal for the amendment of the charter of said city to be voted upon by said qualified electors at a General Municipal Election called and held for that purpose in said city on the 5th day of May, 1953.

That said proposed amendment was duly and regularly published and advertised on March 18, 1953, in accordance with Section 8 of Article XI of the Constitution of the State of California, in the "Santa Barbara News-Press", a daily newspaper of general circulation, printed, published and circulated in said city, there being no official paper of said city.

That copies of said proposed amendment were printed in convenient pamphlet form and in type of not less than ten point, and until the date fixed for the election hereinafter described, and as required by law, a notice was published in said "Santa Barbara News-Press" that such copies could be had upon application therefor at the office of the City Clerk of the City of Santa Barbara.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the date fixed for the election hereinafter described. That copies thereof were duly mailed to each of the qualified electors of said city.

That said City Council did by Ordinance No. 2394 order the holding of a General Municipal Election in said City of Santa Barbara on May 5th, 1953, for the purpose of submitting to a vote of the electors of said city, said proposed charter amendment, and which date of election was not less than forty days nor more than sixty days after the completion of the publication of the said proposed charter amendment as aforesaid, and at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify said proposed amendment to the charter of said city.

That the City Council of the City of Santa Barbara, in accordance with the law in such cases made and provided, did meet on the 12th day of May, 1953, at a regular adjourned meeting of such Council, and duly canvassed the returns of said election as certified by the election boards.

That the City Council of the City of Santa Barbara, in accordance with the law in such cases made and provided, did meet again on the 22nd day of May, 1953 at a regular adjourned meeting of such Council and duly counted the absentee ballots of said election and completed the canvass of entire election and duly found and determined and declared that said proposed amendment to the charter of the City of Santa Barbara hereinafter set forth was ratified by a majority of the electors of said city voting thereon.

That said amendment to the charter so ratified by the electors of the City of Santa Barbara is in words and figures as follows, to-wit:

CHARTER AMENDMENT

The Charter of the City of Santa Barbara is hereby amended by repealing Sections 32, 33 and 38 of Article III thereof, and Sections 42 to 52 inclusive of Article IV thereof, and Section 138 of Article XXI thereof and by adding thereto new Sections to be designated as Sections 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 52 of Article IV of said Charter to read as follows:

"ARTICLE IV
EXECUTIVE DEPARTMENT
THE MAYOR

Mayor

Section 42. The Mayor shall be elected from the City at large and shall hold office for two years and until his successor is elected and qualified. He shall be at least thirty years of age, and shall have been a citizen of the State and a resident and qualified elector of the City for five years next preceding the day of his election.

Section 43. The Mayor shall be recognized as the official head of the City for all ceremonial purposes and by the Courts for the purpose of serving civil processes. He shall be the presiding officer of the Council, shall preside at the meetings of the Council, and shall sign the journal of the Council. He shall be included as a member of the Council at all meetings of the

Council for the purpose of determining the presence of a quorum. He shall be entitled to a vote on all matters coming before the Council, but shall possess no veto power. The affirmative vote of the Mayor shall be counted as the affirmative vote of a member of the Council present at any meeting thereof for the purpose of determining the total number of affirmative votes of members of the Council cast for the passage of an ordinance or the final transaction of any business. He may use the title of Mayor in all cases; but the same shall not be construed as conferring upon him administrative or judicial functions or other powers or functions of a Mayor under the general laws of the State.

Ordinances

Section 44. No ordinance shall be passed except by bill of the Council. Every bill, after it has passed the Council, shall be duly authenticated by the Clerk, and shall then be presented to the Mayor. The Mayor shall approve such bill by affixing his signature thereto, shall return such bill as so approved and signed to the Council within ten days (Sundays and Holidays excepted) after receiving it, and the same shall then become an ordinance. If the bill is not returned with such approval within the time specified, it shall take effect as if he had approved the same.

Commission members

Section 45. All members of Commissions, whether such offices be created by this Charter or by ordinance, shall be appointed by the Mayor, by and with the consent of the Council and they shall hold office at the pleasure of the appointive power. No such appointment shall be effective without such approval of the Council.

Mayor

Section 46. The Mayor may call special meetings of the Council. He shall be duly notified by the City Clerk of all special meetings of the Council, when called by its members, and the time and place of all regular and special meetings of the standing or special committees thereof, and shall have the right and privilege of being present at all such meetings.

Section 47. When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by appointment by the Council assembled for that purpose. The person appointed to fill such vacancy shall possess the qualifications prescribed for Mayor, and a member of the Council, during the term of which he has been elected or appointed, shall be ineligible to fill such vacancy.

Section 48. The Mayor shall perform such other duties consistent with his office as may be imposed by the Council The powers and duties of the Mayor shall be such as are conferred upon him by this amendment, together with such others as may be conferred by the Council in the pursuance of the provisions of this amendment, and no others.

Chief Administrative Officer

Chief administrative officer

Section 49. The Mayor shall, subject to the approval of the Council, appoint a Chief Administrative Officer, who shall be the

chief executive officer of the City and the administrative head of the municipal government and who shall be responsible for the efficient administration of all departments. He shall receive such salary as may be fixed by the Council.

The Chief Administrative Officer shall be appointed for an indefinite period. He shall serve at the will of the Council and may be removed at any time by a majority vote of the Council.

During the absence or disability of the Chief Administrative Officer, the Mayor, subject to the approval of the Council, shall designate some properly qualified person to perform his duties. Whenever a vacancy occurs in this office, the Mayor, subject to the approval of the Council, shall immediately proceed to appoint a Chief Administrative Officer.

Section 50. The powers and duties of the Chief Administrative Officer shall be:

(a) To see that all laws and ordinances relating to this City are observed and enforced;

(b) To appoint, except as otherwise specifically provided in this Charter, all appointive officers of the City, including all heads of departments, and to remove the same. Such appointment and removal shall be subject to the approval of the Council and shall not be effective without such approval;

(c) To exercise control and general supervision over all departments, boards, divisions and bureaus of the City government and over all the appointive officers and employees and public institutions thereof, including the Water Works of said City and the Superintendent thereof; to see that the books and records of the said departments, boards, divisions, bureaus, appointive officers and persons are kept in a legal and proper form and the duties and obligations thereof are executed and discharged with fidelity and exactitude; to lay before the Council any official defalcation, or neglect of duty, or official misconduct he may discover, or which shall be reported to him, in order that the public interest shall be protected and the person in default proceeded against according to law; to have power to suspend any appointive officer for dereliction, neglect or nonperformance of duty, and to thereupon report the same to the Council, which said Council, after investigating the charge against such appointive officer, may authorize the suspension of such officer for such time as it may seem proper, may restore such officer to duty, or may declare the office vacant and the vacancy thereby created shall be filled as in this Charter provided;

(d) To make investigations into the affairs of the City, or any department or division thereof, or any contract, or the proper performance of any obligation running to the City; and for such purpose the books, records and official papers of all departments, officers and persons in the employ and service of the City shall at all times be open to his inspection and examination;

(e) Except when the Council is considering his removal, to attend all meetings of the Council and its committees, with the right to take part in discussions, but without power to vote. He shall be duly notified by the City Clerk of all special meetings

of the Council, and the time and place of all meetings of the committees thereof;

(f) To sign all warrants on the City Treasurer as well as all contracts entered into by the City; it being herein specified that all demands approved by the Council shall be delivered to the City Clerk, who shall thereupon draw the warrant therefor upon the City Treasurer, which shall be signed by the Chief Administrative Officer and countersigned by the City Clerk;

(g) To recommend to the Council for adoption such measures and ordinances as he may deem necessary or expedient;

(h) To keep the Council at all times fully advised as to the financial condition and needs of the City;

(i) To take all proper measures for the preservation of public order and for the suppression of all riots and tumults, for which purpose he is authorized to use and command the police force, or, if such police force be insufficient, it shall be his duty to call upon the Governor of the State for military aid in the manner provided by law, in order that such riots or tumults may be properly and effectively suppressed;

(j) To prepare and submit to the Council the annual budget;

(k) To submit to the Council, at least once each month, a list of all claims and bills approved for payment by him;

(*l*) To act as purchasing agent for all departments of the City; provided, however, that he may designate some officer or employee of the City to act as Assistant Purchasing Agent, and perform the duties of the Purchasing Agent;

(m) To see that all contracts and agreements with the City, including all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, are faithfully kept and fully performed; and, upon knowledge of any violation thereof, to at once call the same to the attention of the City Council, and to the attention of the City Attorney, whose duty it shall be to take such steps as are necessary to protect and enforce such terms and conditions thereof. It shall be the duty of every officer and person in the employ of the City, when it shall come to his knowledge that any such contract or agreement with the City, or with any officer or board or department thereof, or relating to the business of any officer, or such term or condition of such public utility franchise, has been or is about to be violated by the other contracting party, or holder of such franchise, to report forthwith to the Chief Administrative Officer all facts and information within his possession concerning such matters, and a wilful failure so to do shall be cause for the removal of such officer or employee as in case of malfeasance in office;

(n) At least once every year, to appoint a qualified public accountant to examine the books, records, papers, conditions and affairs of every department, board and officer, and to enforce such examination. Any person, officer, board or department refusing to submit or to permit such examination, or purposely delaying or impeding the same, may be suspended from office by the Chief Administrative Officer for malfeasance in office;

(o) On the first of each and every quarter, together with the City Attorney and Chairman of the Finance Committee, to count the cash in the City Treasury and to see whether it corresponds with the books of the Treasurer, and to report in writing the result of such count to the Council at their first regular meeting thereafter;

(p) To devote his entire time to the duties and interests of the City;

(q) To exercise such other powers and to perform such other duties as may be prescribed by this Charter or be required by ordinance or resolution of the Council.

Purchases

Section 51. All purchases of material and supplies made by any department or officer of the City of Santa Barbara shall be by requisition signed by the Chief Administrative Officer.

Repeal

Section 52. In any and all respects wherein the foregoing Sections numbered 42 to 51 inclusive of Article IV of the Charter of the City of Santa Barbara conflict with Sections 20, 23 or 30 of Article III of said Charter, or with Section 93 of Article XIII thereof, or with any other Section or Article of said Charter of the City of Santa Barbara, the latter shall to the extent of such conflict only be deemed repealed. Sections 32, 33 and 38 of Article III of said Charter, Sections 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 52 of Article IV of said Charter, and Section 138 of Article XXI of said Charter as written prior to the amendments contained herein are hereby repealed.

Effective date

This Amendment contained in the foregoing Sections numbered 42 to 51 inclusive and this Section numbered 52 of Article IV of the Charter of the City of Santa Barbara shall take effect on and not before the first day of the calendar month next succeeding the date of approval thereof by the Legislature of the State of California."

We further certify that we have compared the foregoing proposed and ratified amendment to the charter of the City of Santa Barbara with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Santa Barbara to be affixed hereto this 22nd day of May, 1953.

(SEAL)

NORRIS MONTGOMERY
Mayor of the City of Santa Barbara
FAYE GRIFFEN
City Clerk and ex-officio clerk of the Council of the City of Santa Barbara.

WHEREAS, The said proposed charter amendment as ratified as hereinbefore set forth, has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration,

in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendment to the charter of the City of Santa Barbara as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Santa Barbara.

CHAPTER 156

Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of Article XIII, relating to the exemption of vessels engaged in commerce from taxation.

[Filed with Secretary of State, May 28, 1953.]

Constitution. Amendment Sec 4 of Art XIII re vessels' tax exemption

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1953 Regular Session commencing on the fifth day of January, 1953, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 4 of Article XIII thereof to read:

SEC. 4. All vessels of more than 50 tons burden registered at any port in this State and engaged in the transportation of freight or passengers shall be exempt from taxation except for state purposes.

CHAPTER 157

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 4(a) to Article XIII, relating to the exemption of vessels engaged in commerce and commercial deep-sea fishing from taxation.

[Filed with Secretary of State, May 28, 1953.]

Constitution Amendment Sec 4(a) of Art XIII re vessels' tax exemption

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1953 Regular Session commencing on the fifth day of January, 1953, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State

of California that the Constitution of the State be amended by adding Section 4(a) to Article XIII thereof to read:

SEC. 4(a). All vessels of more than 100 tons burden registered at any port in this State and engaged in the transportation of freight or passengers or in commercial deep-sea fishing operations outside the territorial waters of this State shall be exempt from taxation except for state purposes.

CHAPTER 158

Senate Concurrent Resolution No. 75—Relative to congratulating the California State Aerie, Fraternal Order of Eagles, on their fiftieth anniversary.

[Filed with Secretary of State, May 28, 1953.]

Fraternal Order of Eagles

WHEREAS, The Golden Anniversary Convention of the California State Aerie, Fraternal Order of Eagles, under the theme "A half century of fraternal and humanitarian service in California," will be held in the City of Fresno during the twenty-second, twenty-third, and twenty-fourth days of May of this year, to commemorate the fiftieth anniversary of that organization, which was established in San Francisco August 3, 1903; and

WHEREAS, The State Aerie was organized through the efforts of James Cheetham of San Francisco who was the first past state president, and Judge C. P. Rendon of Stockton who was elected first state president of the organization, both of whom are still alive and active in the Order; and

WHEREAS, At the first state meeting held in San Francisco only 12 local aeries were represented with approximately 40 delegates in attendance but at the coming convention there will be approximately 1,500 delegates representing the 225 Eagle aeries of this State; and

WHEREAS, During the 50-year period this organization has been in existence, it has sponsored and acted in connection with many humanitarian accomplishments such as the Workmen's Compensation Act, Mothers' Pension Act, Social Security Laws, and aid to the needy aged, the first Old Age Pension Act referred to by the Eagles as "aid to the needy aged" being established in the State of Montana through the efforts of the Eagles organization of that state; and

WHEREAS, Some of the other humanitarian achievements in which the California State Aerie has participated include construction of a $200,000 dormitory at Father Flannigan's Boys' Town in Nebraska and sponsorship of the Damon Runyon Cancer Fund in this State, and the establishment by this Legislature of residential schools for unfortunate, dependent and homeless boys and girls known as California Academies; and

WHEREAS, The California State Aerie has participated in the establishment of a national memorial foundation fund to assist

in the education of children whose fathers lost their lives in World War II or in the present Korean conflict, in which fund there is approximately $3,500,000; and

WHEREAS, In addition to the above activities, many projects have been established on the local level for humanitarian and charitable purposes by the local Eagle Aeries; and

WHEREAS, The California State Aerie has completed 50 years of constructive work and is looking forward to another 50 years of humanitarian programs, which programs are of great benefit to the people of the State; and

WHEREAS, The Fifth State Convention of the Ladies Auxiliary of the Fraternal Order of Eagles of this State will be held at the same time and place as the Golden Anniversary Convention; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of this Legislature take this opportunity to congratulate the California State Aerie, Fraternal Order of Eagles on its golden anniversary and compliment it on the great achievements it has accomplished over the past 50 years; and be it further

Resolved, That the Members of this Legislature extend their best wishes for a successful Golden Anniversary Convention of the State Aerie and for a successful convention of the ladies auxiliary; and be it further

Resolved, That the Secretary of the Senate is hereby directed to send a suitably engrossed copy of this resolution to E. L. Jewett, Convention Chairman, for presentation to the officers and members at the convention.

CHAPTER 159

Senate Joint Resolution No. 35—Relative to renegotiation of contracts between the United States and public agencies for water supply from the Central Valley Project of California.

[Filed with Secretary of State, May 28, 1953.]

Central Valley water contracts

WHEREAS, The United States has entered into numerous contracts with irrigation districts and similar agencies for a supply of water from the Central Valley Project, which contracts provide for payments to be made upon construction costs of the project and, in some instances, upon construction costs of local distribution systems; and

WHEREAS, These contracts have been entered into pursuant to Section 9(e) of the Reclamation Project Act of 1939; and

WHEREAS, The Supreme Court of Wyoming has held provisions of the so-called "9(e)" contracts invalid; and

WHEREAS, In at least two instances, superior courts of California, in considering the matter of the validity of such con-

tracts, have held them invalid in several particulars, namely, the provisions of such contracts which deal with the matters of water rights, credit for payments made upon such contracts, and limitations as to the use of water; and

WHEREAS, In some instances irrigation districts have secured validation of some of such contracts by default, and are now confronted with the problem of being forced to carry out contracts which as to other districts have been declared invalid; and

WHEREAS, Litigation concerning such contracts might extend over a long period of time, causing great uncertainty as to the rights and powers of irrigation districts and similar public agencies with respect to the Central Valley Project of California; and

WHEREAS, The form of contracts used in connection with the Central Valley Project of California should be in accord with the requirements of the laws of the State of California and the United States and should not contain features which have been held invalid; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Secretary of Interior of the United States be requested to renegotiate the existing contracts to provide a more acceptable contract and one that can be uniformly used within the Central Valley Project of California and which will avoid the invalid and objectionable features of the existing contracts; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the President of the United States, to the President of the United States Senate, to the Speaker of the House of Representatives, to the Secretary of Interior of the United States, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 160

Senate Concurrent Resolution No. 78—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the municipal general election held therein on the twenty-first day of April, 1953.

[Filed with Secretary of State, May 29, 1953.]

City of San Diego Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of Cali-

fornia, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

STATE OF CALIFORNIA,
COUNTY OF SAN DIEGO, } ss.
CITY OF SAN DIEGO.

Certificate

We, the undersigned, John D. Butler, Mayor of The City of San Diego, and Fred W. Sick, City Clerk of said City, do hereby certify and declare as follows:

The City of San Diego, a municipal corporation of the County of San Diego, State of California, is now, and at all times herein mentioned was, a city containing a population of more than one hundred thousand inhabitants, and has been ever since the year 1931, and is now, organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at the municipal general election held in said City on the 7th day of April, in the year 1931, in manner, form and substance as required by law, and was thereafter duly approved by joint resolution of the Legislature of the State of California, adopted on the 15th day of April, 1931.

That pursuant to and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of The City of San Diego, being the legislative body thereof, on its own motion, by Ordinance No. 5511 (New Series), adopted by said Council on the 3rd day of March, 1953, duly proposed to the qualified electors of The City of San Diego fourteen certain amendments to the Charter of said City, designated as Propositions A, B, C, D, E, F, G, H, I, J, K, L, M and N, respectively, and ordered said fourteen proposed charter amendments to be submitted to said qualified electors at the municipal general election called and held in said City on the 21st day of April, 1953.

That all of said proposed charter amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in The San Diego Union, a daily newspaper of general circulation published in said The City of San Diego, and the official newspaper of said City, and in each edition thereof during the day of publication, to-wit: On March 11, 1953.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of The City of San Diego was published in The San Diego Union, a daily newspaper of said City, on the 3rd day of April, 1953, and on each day thereafter until the day fixed for said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said City until the day fixed for said election. That copies thereof were mailed to each of the qualified electors, as required by law.

That said proposed amendments were submitted, pursuant to the provisions of said Ordinance No. 5511 (New Series) to the qualified electors of said City at the Municipal General Election held in said City on the 21st day of April, 1953.

The said Council did on the second day next succeeding the date of said election then and there by resolution direct the City Clerk to make the canvass of the returns of said election. That upon the completion of said canvass and the certification of the results thereof by the City Clerk to the Council, said Council did, by Resolution No. 111832, passed and adopted April 30, 1953, duly declare the result of said election from the canvass of the returns thereof.

The said Council did by said Resolution No. 111832 declare that the said proposed amendments to the Charter of The City of San Diego, designated as Propositions A, B, C, G, J, L, M and N, were, and each and every one of them was, ratified by a majority of the qualified electors of said City voting thereon, and that said proposed amendments to said Charter designated as Propositions D, E, F, H, I, and K received less than a majority of the votes of the qualified electors voting thereon, and were not ratified.

That as to each of the amendments to the Charter of The City of San Diego hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendments to the Charter of The City of San Diego which were so ratified by a majority of the electors of said city, are in words and figures as follows:

PROPOSITION A.

Amend Section 107 of Article VII of the Charter of The City of San Diego to read as follows:

"Section 107. The Council shall determine which officers of the City shall give bonds for the faithful performance of their official duties, and fix the amount of such bonds. Each officer upon entering upon his duties shall deliver to the City a surety bond executed by a reliable surety company authorized to do business in the State of California in the penal sum required, which surety bond shall include other offices of which he may be an ex-officio incumbent, and shall also cover the services of any and all assistants and deputies of said officer. The Council may, however, if it so desires, purchase from a reliable surety company authorized to do business in the State of California a blanket surety bond, which shall insure the faithful performance of the official duties of each officer named therein and fix the amount of each bond for each officer named therein. Each bond or the blanket bond if so purchased shall be approved by

Officers' bonds

the Council and filed with the City Clerk. The premium of all such bonds shall be paid by the City."

PROPOSITION B

Amend Section 46 of Article V of the Charter of The City of San Diego to read as follows:

Department of public works

"Section 46. There is hereby created a Department of Public Works, which shall be under the supervision and direction of a Director of Public Works, who shall be appointed by the Manager, and who shall perform the duties imposed upon this department by general law, the City Charter or ordinance of the Council. The Department of Public Works shall have charge of streets, sewers, refuse collection and disposal, public buildings, shops, and the manufacturing, storing and repairing of automotive equipment, machinery, tools, and other implements and equipment used by the City in connection with the administration of said Department of Public Works.

The Manager is authorized to divide the department into administrative divisions, and if he sees fit appoint a Supervisor for each, who shall, however, be under the supervision and direction of the Director of Public Works. The Manager may prescribe general rules and regulations for the administration of the Department of Public Works as he deems necessary.

The Manager shall also appoint a Street Superintendent, who shall be under the direction of the City Engineer, and shall do and perform any and all duties which may be imposed upon such Street Superintendent by public improvement laws of the State or this Charter."

Sections 47, 48, 49, 50, 51, 52 and 56 of the Charter of The City of San Diego are hereby repealed.

PROPOSITION C

Amend Section 55 of Article V of the Charter of The City of San Diego to read as follows:

Park and recreation department

"Section 55. There is hereby created a department, to be known as the Park and Recreation Department, which shall be under the direction and supervision of a Director of Parks and Recreation, who shall be appointed by the Manager, and who shall have the duty of the control and management of parks, parkways, plazas, beaches, cemeteries, street trees, landscaping of city-owned property, golf courses, playgrounds, recreation centers, recreation camps and recreation activities held on any city playgrounds, parks, beaches and piers, which may be owned, controlled or operated by the City. The City Council shall by ordinance adopt regulations for the proper use and protection of said park property, cemeteries, playgrounds and recreation facilities, and provide penalties for violations thereof. The Manager is charged with the enforcement of such regulations.

All real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the

Council or by statute of the State Legislature for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose. However, real property which has been heretofore or which may hereafter be set aside without the formality of an ordinance or statute dedicating such lands for park, recreation or cemetery purposes may be used for any public purpose deemed necessary by the Council.

Whenever the City Manager recommends it, and the City Council finds that the public interest demands it, the City Council may, without a vote of the people, authorize the opening and maintenance of streets and highways over, through and across City fee-owned land which has heretofore or hereafter been formally dedicated in perpetuity by ordinance or statute for park, recreation and cemetery purposes.

The Park and Recreation Director shall have such other duties as may be imposed upon him by ordinance of The City of San Diego or as directed by the City Manager.

The City Manager shall have authority, subject to the approval of the Council, to enter into such contracts as may be deemed desirable for the best interests of the City for the joint operation and control of playgrounds by the San Diego Unified School District and the City. All such contracts shall be executed by the Board of Education of the San Diego Unified School District and the Manager, and may provide:

(1) For the joint operation and control of playgrounds or recreation fields which may be owned by either the City or the said school district.

(2) For selection of personnel to control such jointly operated playgrounds and recreation fields.

(3) For payment of compensation to personnel so selected and by virtue of the authority of said contract.

(4) For proper maintenance and equipment of such jointly owned and operated playgrounds and recreation fields.

In the event that a contract is entered into with the San Diego Unified School District as herein authorized, the Director of Parks and Recreation shall perform such services in connection with such operation as may be provided for in said contract.

The Director of Parks and Recreation shall also have charge of the management, control, preservation, regulation, improvement and embellishment of all public burial grounds and cemeteries belonging to the City, and the sale of lots therein. At least fifty per cent of the net proceeds from the sale of all cemetery lots shall be deposited with the City Treasurer and be kept in a fund to be known as the Cemetery Perpetuity Fund. This fund shall be administered by the Funds Commission and shall be invested in such income-producing securities as the Funds Commission may decide. The principal of the perpetuity fund (subject to such accretion or diminution as may result from

investing the same) shall not be available for meeting expenses for maintenance or upkeep of the cemeteries in any manner whatsoever. All income derived from the investment of the moneys in said perpetuity fund, together with the balance of the sale price of said lots not placed in the perpetuity fund, shall be expended in the maintenance and upkeep of the cemeteries and the perpetual care and upkeep of all graves and lots in said cemeteries; provided, however, that if in any one year such income is more than needed for the purpose of such maintenance, upkeep and perpetual care the Council may direct that the excess over and above that needed as above provided may be used for any other municipal purpose. Until the income from said investments of said perpetuity fund and the balance of the sale price of said lots each year are sufficient to maintain the cemeteries and to provide perpetual care and upkeep of all graves and lots in said cemeteries the Council shall annually appropriate from other revenues an amount sufficient to enable the City to provide perpetual care and upkeep of all graves and lots in the cemeteries.

There is hereby created a Park and Recreation Commission to consist of seven members, two of whom shall be appointed by the Board of Education of the San Diego Unified School District, one of whom shall be a member of said Board of Education; two of whom shall be appointed by the City Manager; and three of whom shall be appointed by the Mayor with the consent of the Council. The terms of office of the members of the Commission shall be four years. The members of the first commission appointed hereunder shall by lot stagger their terms so that two shall serve for one year, two shall serve for two years, and two for three years, and the remaining one for four years. The Park and Recreation Commission shall advise with and recommend to the Manager and Director of Parks and Recreation with respect to public policy matters relating to the maintenance and operation of parks, playgrounds, recreational activities and cemeteries in The City of San Diego."

PROPOSITION G

Amend Section 66 of Article VI of the Charter of The City of San Diego to read as follows:

Board of education

"Section 66. The government of the San Diego Unified School District shall be vested in a Board of Education, composed of five members who shall be elected at large by the electors of the School District at the same time as the members of the City Council. The candidates for the Board of Education shall have been qualified voters of the district at least three years prior to their nomination. The members shall serve for a term of six years, or until their successors are elected and qualified, except as herein provided. The present members of the Board shall serve out their unexpired terms. Thereafter, there shall be elected three members in 1941 who shall so classify themselves by lot that the terms of two will expire at the end

of four years and the term of the third will expire at the end of six years. Commencing in 1943 and thereafter, all members shall be elected for six year terms. Any vacancy in the Body shall be filled by the Board of Education until the next general municipal election, when a member shall be elected to fill the unexpired term. Each member shall receive a compensation of $1,200.00 per annum, payable in semi-monthly installments."

PROPOSITION J

Amend Section 61 of Article V of the Charter of The City of San Diego to read as follows:

"Section 61. The Manager shall appoint a Social Service Commission consisting of five (5) members, only three (3) of whom shall be of the same sex. After their appointment said members shall determine by lot the terms of the members of the first Commission appointed hereunder. Two (2) members shall serve for terms of three (3) years and the other three (3) for terms of five (5) years. Thereafter the term of each member when appointed shall be for the term of five (5) years, or until his successor is appointed and qualified. Each of the members of the Social Service Commission shall have a general knowledge in the field of social welfare work. Social service

The Social Service Department shall have such powers and duties as relate to the investigation, study, recommendation and execution of legislation and policies relating to the social welfare of the people of The City of San Diego, and particularly those relating to improvement of social conditions which might lead to poverty, crime and disease, and the recommendation and carrying out of constructive programs for the prevention of juvenile delinquency. The Department shall also have such additional powers and duties as may be conferred upon it by ordinance of the City Council.

The Manager shall also appoint a Director of Social Service, who shall have the necessary qualifications and experience in the field of social welfare work, whose duty it shall be to administer and carry out such programs as shall be authorized by ordinance of the Council, and such other duties in relation to social welfare in The City of San Diego as may be imposed upon him by said ordinance or the City Manager. Such Director of Social Service shall receive such compensation as shall be recommended by the Civil Service Commission and fixed by ordinance of the Council."

PROPOSITION L

Amend Section 68 of Article VII of the Charter of The City of San Diego to read as follows:

"Section 68. A complete budget and accounting system of municipal receipts and expenditures is hereby established." Budget and accounts

PROPOSITION M.

Amend Article IX of the Charter of The City of San Diego by adding a new section thereto, to be numbered Section 148.1, which said section shall read as follows:

City employees retirement system

"Section 148.1. Notwithstanding any of the provisions of this Article IX to the contrary, the Council may, with the approval of a majority of all active members of the City Employees' Retirement System, enter into a contract with the State of California wherein said employees shall be entitled to become members of and enjoy all of the benefits of the State Retirement System for state employees, and/or with the U. S. Government for the conferring of Social Security benefits upon such municipal employees; provided, however, that in any such contract provision shall be made for protecting and safeguarding any and all vested rights of the active and retired members of the City Employees' Retirement System as it exists under this Charter."

PROPOSITION N.

Amend Section 59 of Article V, and Section 117, of Article VIII, of the Charter of The City of San Diego, each to read as follows:

Department of building inspection

"Section 59. The Department of Inspection shall consist of a Director of Building Inspection appointed by the Manager, and such subordinate officers and employees as shall be authorized by ordinance. The Director of Building Inspection shall be either a registered civil engineer or a certificated architect, either of whom must be licensed to practice his profession in the State of California, and be versed in building construction, strength and mechanics of materials, installations of all kinds, and has a general knowledge of the State housing laws and the local inspection ordinances. He shall have been engaged in his profession for a period of not less than five years prior to his appointment. The Director of Building Inspection and all of his supervisors, inspectors and deputies, shall have the right to enter into any buildings, or enclosures, or upon property within the limits of the City, for the purpose of inspecting the same and for enforcing the provisions of the building code, and all other laws and ordinances in force in the City relating to the duties of the Department in the preservation of the safety of the public. No officer or employee of the Department of Inspection shall be engaged either directly or indirectly in any business or profession during the time he is employed by the City in said Department."

Service classification

"Section 117. The administrative service of the City is hereby divided into the unclassified and classified service, as follows:

The unclassified service shall include all elective positions and the following administrative offices:

A Confidential Secretary to the Mayor; City Manager, a confidential secretary, one Assistant Manager and two Assist-

ants to the Manager; City Clerk; City Auditor and Comptroller; Park and Recreation Director; City Librarian; Chief of Police; Director of Building Inspection; Director of Operations of Police Department; Director of Service of Police Department; Confidential Secretary to the Chief of Police; Chief of Fire Department; Budget Officer; Purchasing Agent; Personnel Director; City Engineer; an Assistant to and all Deputies of the City Attorney; City Treasurer; Director of Public Works; Director of the Water Department; Hydraulic Engineer; Superintendent of Maintenance and Operation of the Water Department; Director of Public Health; a Confidential Secretary to the Director of Public Health; Director of Social Service; Officers and Employees of the San Diego Unified School District; Members of all Commissions and Advisory Boards, who serve the City without compensation.

The classified service shall comprise all positions not specifically included by this Charter in the unclassified service."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of The City of San Diego with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this 15th day of May, 1953.

(SEAL)

JOHN D. BUTLER
Mayor of The City of San Diego, California.
FRED W. SICK
City Clerk of The City of San Diego, California.

WHEREAS, Said proposed charter amendments are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, The Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of San Diego, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city, be, and the same are, hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of said the City of San Diego

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CHAPTER 161

Senate Concurrent Resolution No. 82—Approving certain amendments to the charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of

California, voted for and ratified by the qualified electors of said city at a special municipal charter amendment election held therein on the twelfth day of May, 1953.

[Filed with Secretary of State, May 29, 1953.]

City of Richmond: Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS
OF THE CITY OF RICHMOND
OF TWO CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA } ss.
CITY OF RICHMOND

Certificate

We, the undersigned, Gust J. Allyn, Mayor of the City of Richmond, and John DeRoy, City Clerk of the City of Richmond, do hereby certify and declare as follows:

That the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500), and has been, ever since the year 1909, and is now, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the 9th day of February, 1909, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 4th day of March, 1909 (Statutes of 1909, Chap. 18).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Richmond, being the legislative body thereof, by its Resolutions numbered 4563 adopted on March 9, 1953, and 5476 adopted on March 23, 1953, duly and regularly submitted to the qualified electors of said City two certain proposals hereinafter sometimes referred to as Proposal No. 1 and Proposal No. 2 to amend the Charter of the City of Richmond and to be voted on by said qualified electors at a special municipal charter amendment election by said Resolutions called for said purpose in said City on the 12th day of May, 1953, and consolidated with the general municipal election to be held on said 12th day of May, 1953.

That said Proposal No. 1 and Proposal No. 2 were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Richmond; that said Proposal No. 1 was published and advertised as aforesaid on the 25th day of March, 1953, and that said Proposal No. 2 was published and advertised as aforesaid on the 30th day of March, 1953, and that each of said publications was in the Richmond Daily Independent, a newspaper of general circulation published daily except Sunday in the said City of Richmond and the official newspaper of said City, and in each edition thereof during the said days of publication.

That said Council caused copies of said Proposal No. 1 and Proposal No. 2 to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City, and, beginning on March 16, 1953, advertised in said Richmond Daily Independent daily, except Sunday, up to and including the day fixed for said election, a notice that copies of said Proposal No. 1 could be had on application therefor at the office of the City Clerk of said City, and, beginning on March 30, 1953, advertised in said Richmond Daily Independent daily, except Sunday, up to and including the day fixed for said election, a notice that copies of said Proposal No. 2 could be had on application therefor at the office of the City Clerk of said City.

That said general municipal election and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 12th day of May, 1953, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said Proposal No. 1 and said Proposal No. 2 in said Richmond Daily Independent.

That the Council of said City of Richmond did, in the manner provided by law, duly and regularly canvass all ballots cast at said general municipal election and said special municipal charter amendment election consolidated therewith as aforesaid, and did, by resolution, duly find and declare that a majority of the qualified voters voting on each of said charter amendments, voted in favor thereof and that both of said charter amendments were ratified.

That a majority of the qualified voters voting on each of said amendments voted in favor of the ratification of and did ratify said proposed amendments to said charter.

That said charter amendments so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election are in the words and figures following, to wit:

Proposal No. 1 amending Article XII (General Pension Fund) of the Charter of the City of Richmond to read as follows:

ARTICLE XII
GENERAL PENSION FUND

General pension fund

"Sec. 15 (a) After the completion of said ten (10) year period, and until June 30, 1953, the City Council shall not further make the special provision in its annual budgets, as prescribed in the preceding section to bear solely the cost of pension payments ordered by the Pension Board and the expenses of the Board, but the same shall thereafter be paid out of said Fund as herein otherwise provided to be established and maintained; provided that after the completion of said ten (10) year period, and until June 30, 1953, whenever said Fund shall be insufficient to meet said costs, the Pension Board shall have the power to make demands upon the City Council, and equally upon all such employees for additional payments into said Fund of amounts sufficient to meet the same, and the City Council shall accordingly make provision in its budget each fiscal year for its half of the amount of such demands which shall be paid into said Fund by the City Auditor, and the City Auditor shall deduct and pay into said Fund from the salary of each of such employees his pro rata part of the other half of the amount of such demands, but in no event shall said demands for additional payments to be made by the City exceed ten (10) percent of the total annual payroll of such employees of said departments, and in no event shall said demands for additional payments to be made by such employees exceed ten (10) percent of the total annual payroll of such employees.

"(b). From and after July 1, 1953, the City Auditor, the Pension Board and the City Council shall be empowered and required to do the following:

"(1) The City Auditor shall deduct from the salary of each of such employees benefited by said Fund a portion of his respective salary which portion shall be determined from time to time by the Pension Board, but shall not be less than seven (7) percent of his gross pay, nor more than ten (10) percent of his gross pay and the City Auditor shall pay the same into said Fund.

"(2) The City Council shall make provision in its budgets for each fiscal year for an amount equal to the payments made into said Fund pursuant to subdivision (1) above, and the City Auditor shall pay said equal amount out of the Treasury of the City into said Fund.

"(3) The City Council shall make provisions in its budgets for each fiscal year commencing in fiscal year 1953-1954 for such amount which, in addition to the payments made into said Fund pursuant to subdivisions (1) and (2) of this section and

the money on hand in said Fund shall be sufficient to amortize over such period of years as is from time to time determined by the City Council but not extending beyond 1993, the actuarial value of all of the benefits provided by this Article to be paid out of said Fund to the persons entitled thereto. The City Auditor shall pay such additional amounts annually out of the Treasury of the City into said Fund. The amounts so to be paid pursuant to this subdivision shall be computed on the basis of reports to be obtained by the City Council at intervals of not longer than five years from competent actuaries to be selected by the City Council."

Second: To add a new section to Article XII, to be numbered "20" and to read as follows:

"Sec. 20. Said Fund shall not benefit any person whose employment by the City of Richmond commences on or after July 1, 1953, and none of the provisions of Sections 1 through 11, or Sections 13 through 19 of this Article shall apply to, obligate or benefit any such person."

Third: To add a new section to Article XII, to be numbered "21" and to read as follows:

"Sec. 21. The City Council shall by resolution adopted prior to December 31, 1953, authorize the Mayor and the City Clerk to execute on behalf of the City, and the Mayor and the City Clerk shall execute on behalf of the City, a contract pursuant to the provisions of the State Employees' Retirement Law of the State of California with the Board of Administration of the State Employees' Retirement System whereby any person who was an employee prior to July 1, 1953, and who elects to waive all his rights under the said Fund, and all employees whose employment commences on or after July 1, 1953 shall become local members of said System and be entitled to all benefits, rights and obligations thereof, in accordance with said Retirement Law. The City Council shall by resolution designate the dates on or before which such election may be made by persons who were employees prior to July 1, 1953. Any such person shall not be required to make any contributions to said System except the normal contributions provided by said Retirement Law. In addition to the payments made by the City into said Fund pursuant to subdivision (b) of Section 15 of this Article, the City Auditor shall pay out of the Treasury of the City into said Fund amounts of money equal to all sums which pursuant to sections 20522 and 20523 of said Retirement Law are required to be transferred to said System by reason of such election by any person who was an employee prior to July 1, 1953, and the City Council shall make provision therefor in its budgets. The City Council shall have the power to do all acts and things necessary and appropriate to perform such contract with the System and to comply with the provisions of said Retirement Law."

Proposal No. 2 adding Article XIV to the Charter of the City of Richmond to read as follows:

Off-street parking:

ARTICLE XIV
OFF-STREET VEHICULAR PARKING

Definitions

Section 1. Definitions. Whenever used or referred to in this Article, or in any resolution of issue herein provided for, the following terms shall have the following meanings, respectively, unless a different meaning appears from the context;

(a) Bonds. The term "bonds" or "revenue bonds" means the written evidence of any obligation issued by the City, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this Article, in order to obtain funds with which to carry out any of the purposes of this Article, irrespective of the form of such obligation.

(b) Project. The term "project" means any one or more off-street vehicular parking facilities referred to in Section 2 and designated by the City as a project in a resolution of issue.

(c) Existing Off-Street Parking Facilities. The term "existing off-street parking facilities" means and includes any revenue-producing off-street vehicular parking facilities now or hereafter owned by the City and operated or controlled by the City at the time of adoption of a resolution of issue and not theretofore designated by the City as a project in a resolution of issue and not acquired, constructed, established, improved, extended, maintained or operated, in whole or in part, from the proceeds of sale of any revenue bonds.

(d) Revenues. The term "revenues" means and includes any and all rates, fees and other charges received or receivable in connection with, and any and all income and receipts of whatever kind and character derived by the City from, the operation of a project, or arising from a project, including any such revenues as may have been or may be impounded or deposited in any fund created for the security or further protection of revenue bonds or for the purpose of providing for the payment of the principal thereof or the interest thereon. The term "revenues" also includes net revenues from on-street parking meters within the City now owned or controlled or hereafter acquired or controlled by the City and net revenues of any existing off-street parking facilities to the extent that the same shall be pledged or otherwise made available for the payment of operation and maintenance costs of any project or as security or further protection for bonds by a resolution of issue.

(e) Net Revenues. The terms "net revenues" when used with reference to on-street parking meters within the City means and includes the gross revenues collected by the City during any fiscal year from the establishment and operation of such on-street parking meters after deducting therefrom the actual necessary costs and expenses of the acquisition, installation, maintenance and replacement of such parking meters and of the collection of revenues therefrom, all calculated on sound

accounting principles, but without any allowance for depreciation or obsolescence. The term "net revenues" when used with reference to any existing off-street parking facilities means and includes the gross revenues collected by the City during any fiscal year from the establishment and operation of such existing off-street parking facilities after deducting therefrom the actual necessary expenses of maintaining and operating such facilities, calculated on sound accounting principles, but without any allowance for depreciation or obsolescence.

(f) Resolution of Issue. The term "resolution of issue" means any agreement entered into by the Council, including any resolution adopted by the Council, pursuant to which revenue bonds are issued, and includes any agreement entered into or resolution adopted by the Council amending, modifying or supplementing a resolution of issue irrespective of the form thereof.

General powers

Section 2. General. In order to relieve traffic congestion and promote the welfare of the citizens and inhabitants of the City of Richmond, the City of Richmond shall have power to acquire (whether by purchase, lease, eminent domain, or otherwise), construct, establish, improve, extend, maintain, operate, administer, lease and sublease off-street vehicular parking facilities and places within the City of Richmond, including any and all public parking lots, garages or other automotive parking facilities, and, for the payment of the cost thereof, to issue bonds payable from the revenues of any such parking facilities and from other revenues, all as hereinafter provided in this Article. Said powers shall be in addition to all other powers elsewhere enumerated in this Charter.

Specific powers

Section 3. Grant of Power. Without limiting the generality of Section 2, the Council of the City of Richmond has power for any of the purposes of this Article:

(a) To acquire, by grant, purchase, gift, devise, lease or by the exercise of right of eminent domain, and to hold, use, sell, lease, sublease or dispose of any real or personal property or any interest in any thereof, including rights-of-way, necessary or appropriate for the full exercise, or convenient or useful for the carrying on, of any of its powers pursuant to this Article;

(b) To acquire, by any of the means specified in the foregoing clause (a), any lands, property or rights-of-way necessary or convenient for the opening, widening, straightening and extending of streets or alleys necessary or convenient for ingress to or egress from any project;

(c) To improve any land so acquired by the construction thereon of garages or other buildings or improvements necessary or convenient for any project;

(d) To construct, establish, improve, extend, maintain, operate, administer, lease and sublease any project;

(e) To fix rates, fees or charges for the use of the facilities provided by any project, or for any services rendered in connection therewith, and to alter, change or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the City with respect to the fixing of such

rates, fees or charges; and, by a resolution of issue or otherwise, to enter into covenants to increase rates, fees or charges from time to time; provided, however, that any person shall be permitted to use or operate any facilities provided by any project only upon payment of the regularly established charge therefor, except as may be otherwise specifically provided in a resolution of issue in the case of firemen, policemen and other essential public employees. All rates, fees and charges shall be paid only in such coin or currency as on the date of payment is legal tender for public and private debts, or in scrip or tokens issued only upon payment of the face value thereof in such coin or currency;

(f) At any time and from time to time to issue revenue bonds in order to raise funds for the purpose of establishing any project or of acquiring lands for any project or of acquiring, constructing, completing, improving, extending, maintaining, operating or administering any project, or of refinancing any project, or for any combination of such purposes, which bonds may be secured as hereinafter provided;

(g) To make contracts, leases, subleases and agreements relative to the acquisition, operation or maintenance of any project or any part of any project with any person or public corporation, political subdivision, city, county, district, the State of California, or the United States of America, or any department or agency of any thereof, subject to any contractual obligation which may be entered into by the City with respect to the issuance of bonds;

(h) To lease for commercial purposes space in any project which in the opinion of the Council is not and will not during the term of such lease be required for off-street vehicular parking facilities, provided that the aggregate of all such space so leased at any one time in any project shall not exceed twenty per cent. (20%) of the surface area of such project and that the term of any such lease shall not exceed a period of five (5) years from its date.

(i) To sell, lease, convey or otherwise dispose of any rights, interests or properties acquired under this Article, subject to any contractual obligation which may be entered into by the City with respect to the issuance of bonds;

(j) To exercise the right of eminent domain for the condemnation of private property or any right or interest therein for any of the purposes of this Article;

(k) To adopt such rules and regulations as may be necessary regarding the operation and maintenance of any project and to enable the City to exercise the powers and perform the duties conferred or imposed by this Article; and

(*l*) To do any and all acts or things necessary or appropriate to carry out the purposes of this Article and the provisions, covenants and agreements contained in any resolution of issue adopted pursuant to the authority conferred by this Article; provided that nothing in this Section or elsewhere in this Article contained shall be construed directly or by implication to be in

any way in derogation or in limitation of any powers conferred upon or existing in the City by virtue of the provisions of the Constitution of the State of California or any other provision of this Charter.

Section 4. Pledge of Net Revenues from Parking Meters and Existing Off-Street Parking Facilities. In addition to all other powers elsewhere enumerated in this Article, the Council shall have power to pledge, place a charge upon, or otherwise make available and authorize payment of all or any part of the net revenues collected by the City from the establishment and operation of (i) on-street parking meters within the City now owned or controlled or hereafter acquired or controlled by the City, and (ii) existing off-street parking facilities, for such periods of years as shall be determined by the Council, for the payment of operation and maintenance costs of any one or more projects authorized by this Article or as security or further protection for the payment of principal of and interest on bonds issued pursuant to this Article. Pledge revenues

Section 5. Issues of Bonds; Series and Divisions. The Council may provide for one or several issues of bonds and may issue bonds in series, or may divide any issue into one or more series or divisions and fix different maturities or dates for each series or division, different rates of interest, or different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the Council by a resolution of issue at the time of or prior to the issue thereof. Bond issues

Section 6. Authorization of Revenue Bonds. Each issue of revenue bonds shall be authorized by the Council by a resolution of issue adopted by affirmative votes of at least five (5) members of the Council at a duly assembled meeting.

Section 7. Resolutions of Issue. Resolutions of issue shall provide for the aggregate principal amount, date or dates, maturities, interest rates, denominations and form, and may provide for the registration, transfer and interchange, of any revenue bonds and coupons issued pursuant to this Article; and shall prescribe the purpose or purposes for which said bonds are to be issued and the terms and conditions on which said bonds are to be executed, issued, secured, sold and paid, and, if desired, the terms and conditions on which said bonds may be redeemed prior to maturity or refunded. Resolutions of issue

Section 8. Provisions Relating to Bonds. The following provisions shall govern and apply to (a) all revenue bonds issued pursuant to this Article, and (b) each resolution of issue relating to the bonds thereby authorized: Bonds

(1) Date of Bonds. Bonds shall bear dates prescribed by the resolution of issue.

(2) Maturity. Bonds may be serial bonds or sinking fund bonds with such maturities as shall be provided in the resolution of issue. No bond by its terms shall mature in more than

forty (40) years from its own date, and, in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date of each such series or division shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

(3) Interest. Bonds shall bear interest at a rate of not to exceed six (6) per cent. per annum, payable annually or semi-annually, or in part annually and in part semi-annually.

(4) Coupon or Registered Bonds. Bonds may be issued as coupon bonds or as registered bonds. A resolution of issue may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise as the resolution of issue shall prescribe.

(5) Redemption. Bonds may be callable upon such terms and conditions and upon such notice as the resolution of issue shall prescribe and upon payment of such premium (not exceeding six per cent. (6%) of the par value of such bonds) as may be fixed in the resolution of issue. No bond shall be subject to call or redemption prior to its fixed maturity date, unless the right to exercise such call is expressly stated on the face of the bond.

(6) Source of Payment. All revenue bonds shall be payable exclusively from revenues.

(7) Reference on Bonds to Resolution of Issue. Reference on the face of a revenue bond to the resolution of issue by its date of adoption is sufficient to incorporate all of the provisions thereof and of this Article into the body of said revenue bond and its appurtenant coupons. Each taker and subsequent holder of a revenue bond or coupons, whether such coupons are attached to or detached from said revenue bond, shall have recourse to all of the provisions of the resolution of issue and of this Article and shall be bound thereby.

(8) Recital in Bonds. All revenue bonds shall contain a recital on their face that neither the payment of principal of nor of interest on such bonds constitutes a debt, liability or obligation of the City of Richmond, except as provided in this Article.

(9) Place and Manner of Payment. The principal of and interest on bonds may be paid at any one or more places within or without the State of California and in any specified coin or currency of the United States of America, as may be provided in the resolution of issue.

(10) Execution and Authentication of Bonds; Validity of Signatures and Countersignatures. Bonds may be executed and authenticated by the manual, lithographed or printed facsimile signature of any officer or officers of the City and may also be authenticated by a trustee or fiscal agent appointed by the Council. If any of the officers whose signatures or counter-

signatures appear on the bonds ceases to be such officer before the delivery of the bonds or coupons to the purchasers thereof, such signature or countersignature shall nevertheless be valid and of the same force and effect as if such officer had remained in office until the delivery of the bonds and coupons.

(11) Issuance of Temporary Bonds. Pending the actual issuance or delivery of definitive bonds, the Council may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, and with such provisions as the Council shall determine, to be exchanged for definitive bonds when ready for delivery. In the absence of an express recital on its face that a temporary bond or interim receipt is non-negotiable, such bond or interim receipt is a negotiable instrument.

(12) Replacement of Lost, Destroyed, Mutilated or Stolen Bonds. Lost, destroyed, mutilated or stolen bonds or coupons may be replaced as provided in the resolution of issue.

(13) Security. All revenue bonds shall be secured by an exclusive pledge and charge upon (a) all or a portion of the gross revenues of the project for the acquisition, construction and completion of which said bonds are issued or authorized to be issued, (b) revenues from on-street parking meters, and (c) revenues of any existing off-street parking facilities, all as provided for in the resolution of issue. Gross revenues of a project include improvements and extensions of such project later constructed or acquired. The gross revenues of the project, any interest earned on the gross revenues of the project, and all pledged on-street parking meter revenues and pledged revenues of existing off-street parking facilities shall constitute a trust fund for the security and payment of the principal of and interest on the bonds and so long as any bonds or interest thereon are unpaid said revenues and interest shall not be used for any other purpose; provided, however, that a resolution of issue may provide that if the principal of and interest on the bonds and all charges to protect and secure them are paid when due, an amount for the maintenance and operation costs of the project may be apportioned from revenues, but only to the extent specified in the resolution of issue.

(14) Bonds of Same Issue To Be Equally Secured. Bonds of the same issue shall be equally secured by a pledge and charge upon revenues, without priority for number, date of bonds, of sale, of execution, or of delivery; except that if the Council authorizes the issuance of bonds of different series it may provide that the bonds in any series shall, to the extent and in the manner prescribed in the resolution of issue, be subordinated and be junior in standing with respect to the payment of principal and interest and the security thereof to such other bonds as may be specified in the resolution of issue.

(15) Refunding Bonds. The Council may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming, retiring or refunding any revenue bonds issued under this Article, subject to any limitations contained in the

resolution of issue pursuant to which such revenue bonds are issued. All provisions of this Article applicable to the issuance of revenue bonds shall be applicable to the refunding bonds and to the issuance, sale or exchange thereof.

(16) Amount of Refunding Bonds. Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be refunded thereby, and, in addition, for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds and the issuance of such refunding bonds. Such expenses may include the difference in amount between the par value of the refunding bonds and any amount less than par for which the refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such refunding bonds from the date of sale thereof to the date of payment of the bonds to be refunded, or to the date upon which the bonds to be refunded will be paid pursuant to call thereof or agreement with the holders thereof, and also the premium, if any, necessary to be paid in order to call and retire the outstanding bonds and the interest accruing thereon to the date of call or retirement.

(17) Validity of Bonds Not Affected by Actions of City Relative to Project. The validity of the authorization and issuance of any revenue bonds by the Council shall not be dependent on or affected in any way by:

(a) Proceedings taken by the City for the acquisition, construction or completion of any project or any part thereof:

(b) Any contracts made in connection with the acquisition, construction or completion of any project; or

(c) The failure to complete any project for which bonds are authorized to be issued.

Sale of bonds

Section 9. Sale of Bonds. Before selling any bonds the Council shall give notice inviting sealed bids in such manner as the Council may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the Council determines that the bids received are not satisfactory as to price or responsibility of the bidders, the Council may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

Section 10. Sale Below Par. The Council may sell bonds at a price below the par or face value thereof, provided that the maximum net interest cost (computed on a 360-day year basis) on bonds sold below par or face value shall not exceed an average of six per cent. (6%) per annum, payable semiannually, to the respective maturity dates of said bonds.

Allocation of proceeds

Section 11. Payment of Incidental Expenses and Interest and Creation of Funds From Proceeds of Sale of Bonds. All costs and expenses incidental to the issuance and sale of bonds, including the cost of preparation of the bonds and coupons, the cost of all surveys, of preparation of plans and specifications, of all architectural, engineering, inspection, legal, financial and economic consultant's, trustee's and fiscal agent's fees, the creation of a bond reserve fund, the creation of a working capital

fund, and bond interest estimated to accrue during the period of acquisition or construction of a project and for a period of not to exceed six (6) months thereafter, all as provided for in the resolution of issue, may be paid out of the proceeds of sale of the bonds.

Section 12. Provisions Relating to Resolutions of Issue. The following provisions shall govern and apply to each resolution of issue adopted by the Council: Resolutions of issue

(1) Construction Funds: Investment. A resolution of issue may provide that the proceeds of sale of all revenue bonds authorized thereby shall either be deposited in a fund separate and apart from all other funds of the City or paid direct to any bank or trust company designated by the Council as the fiscal agent of the City, and that said proceeds shall be held by the City or such fiscal agent in a separate account to be designated the "Construction Fund" and be disbursed in the manner and upon the conditions provided in the resolution of issue for the object and purpose of the acquisition, construction and completion of the project therein designated, including the payment of all incidental expenses and interest and the creation of funds as provided for in Section 11 of this Article. Moneys in any construction fund may be invested as the Council in its sole discretion shall determine, subject only to such limitations as may be provided in the resolution of issue.

(2) Construction Fund Surplus. A resolution of issue may provide that any moneys in a construction fund remaining unexpended after said object and purpose shall have been completed shall be applied to the payment of the principal of and interest on said bonds, and that none of said moneys shall be transferred to any other fund of the City or used for any purpose other than as specified in the resolution of issue.

(3) Continuous Operation of Project: Repairs, Renewals and Replacements. A resolution of issue may provide that, so long as any bonds thereby authorized shall be outstanding, the City shall operate the project designated in the resolution of issue continuously and in an efficient and economical manner and in good working order and condition and shall make all necessary repairs, improvements and replacements.

(4) Rates, Fees and Other Charges. A resolution of issue may provide that the Council will prescribe, revise and collect rates, fees and charges for use of the facilities provided by the project acquired, constructed or completed from the proceeds of sale of the bonds issued pursuant to such resolution of issue, or for any services rendered in connection with such project, and for use of any on-street parking meters and existing off-street parking facilities any revenues from which are pledged to secure the bonds; that such rates, fees and charges shall at all times be sufficient to yield revenues from the project and net revenues from such on-street parking meters and existing off-street parking facilities equal to all redemption payments and interest charges on said bonds as the same fall due, together with

such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the security or further protection of said bonds, or as a depreciation charge or other charge in connection with such project; and that such rates, fees and charges shall not be reduced below an amount sufficient to provide funds to meet all obligations specified in the resolution of issue.

(5) Holding and Application of Revenues. A resolution of issue may require the City to hold or cause to be held in trust the revenues pledged to the payment of the principal of and interest on the bonds issued pursuant to said resolution of issue, or to any reserve or other fund created for the security or further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the resolution of issue.

(6) Preservation and Protection of Security of Bonds. A resolution of issue may require the City to preserve and protect the security of the bonds issued thereunder and the rights of the holders thereof and to warrant and defend such rights.

(7) Discharge of Lien Claims. A resolution of issue may require the City to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon revenues, or which might impair the security of any bonds issued for the acquisition, construction or completion of any project.

(8) Limitations Upon Power to Encumber Project. A resolution of issue may limit, restrict or prohibit, except upon such terms and conditions as may be provided therein, any right, power or privilege of the City to mortgage or otherwise encumber, or to sell, lease or dispose of a project or to enter into any lease or agreement which impairs or impedes the operation of a project or of any part thereof necessary to provide adequate revenues, or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

(9) Proceeds of Project Taken by Eminent Domain. A resolution of issue may provide that if any part of a project shall be taken by eminent domain or other proceeding authorized by law, the proceeds to the City therefrom shall be applied to the replacement of such project or to the payment and retirement of the bonds issued pursuant to such resolution of issue, or as otherwise set forth in said resolution of issue.

(10) Insurance. A resolution of issue may specify or limit the kinds and amounts of insurance to be maintained by the City on a project, or any part thereof (including insurance of any project against loss of revenues from any cause whatsoever, against public liability or property damage and against loss by fire or any other hazard, as may be provided in any resolution of issue), and provide for the payment of the premiums thereon, and specify the use and disposition of proceeds of any such insurance thereafter collected.

(11) Books, Records and Accounts. A resolution of issue may provide:

(a) that the City will keep accurate books and records of account showing all revenues received from the operation of any project and all expenditures thereof, and all revenues from on-street parking meters and existing off-street parking facilities pledged or otherwise made available as security or as further protection for the bonds issued pursuant to said resolution of issue;

(b) that all such books and records shall be open at all times during business hours to the inspection of the holders of one or more of the bonds or of any specified percentage of such holders or their duly authorized representatives;

(c) that annual or other periodic statements of the condition of such project and of all of said other revenues will be furnished to the holders of the bonds;

(d) that summaries of all such statements will be published at least annually in the official newspaper of the City; and

(e) that the books and records of the City pertaining to the operation of any project and to all of said other revenues shall be audited by independent public accountants in such manner and under such circumstances as may be set forth in said resolution of issue.

(12) Trustee; Fiscal Agent; Payment Agents. A resolution of issue may designate a bank or trust company, qualified to do business in the State of California, as a trustee or fiscal agent for the City and holders of bonds issued under said resolution of issue, and may authorize any such trustee to act on behalf of the holders of the bonds or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders A resolution of issue may authorize the City to designate any bank or trust company in any city in which any bonds are made payable as the City's paying agent in such city. A resolution of issue may fix and determine the conditions upon which any trustee, fiscal agent or paying agent shall receive, hold or disburse any or all revenues deposited with it by or by authority of the City or the Council. A resolution of issue may prescribe the duties and powers, if any, of any such trustee, fiscal agent or paying agent with respect to the issuance, authentication, sale and delivery of the bonds, the payment of the principal thereof and interest thereon, the redemption thereof, the registration and discharge from registration of bonds and the management of any funds provided for in the resolution of issue as security for the bonds.

(13) Competitive Projects. A resolution of issue shall contain a covenant that the City shall not, while any revenue bonds authorized by this Article are issued or outstanding, acquire, construct, complete or maintain any off-street vehicular parking facilities or places within the City of Richmond, which compete in any way with any project or which are similar to any off-street vehicular parking facilities or places maintained or operated by the City or the Council through the issuance of revenue bonds

pursuant to this Article; excepting, however, any and all off-street vehicular parking facilities now maintained by the City in and adjacent to the Civic Center for free public parking.

(14) Limitation on Additional Indebtedness. A resolution of issue may limit or restrict the incurring of additional indebtedness payable in whole or in part from the revenues charged with payment of the bonds issued pursuant to such resolution of issue.

(15) Events of Default. A resolution of issue may designate the rights, limitations, powers and duties arising upon breach by the City of any of the covenants, conditions or obligations therein contained, and may provide the terms and conditions upon which all bonds issued thereunder may be declared or become due and payable prior to maturity and the terms and conditions upon which such declaration and its consequences may be waived.

(16) Amendment or Modification of Resolution of Issue. A resolution of issue may prescribe a procedure by which its terms and conditions may be subsequently amended or modified with the consent of the City and the vote or written assent of the holders of a specified principal amount or proportion of the bonds issued and outstanding, including

(a) Provision for meetings with bondholders and the manner in which the consents of the bondholders may be given;

(b) A specific statement of the effect of each such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto; and

(c) If desired, a provision that bonds held by the City or by the State of California or any public corporation, political subdivision, city, county, district or any agency of any thereof, shall not be counted as outstanding bonds or be entitled to vote or consent, but shall nevertheless be subject, to any such amendment or modification.

(17) Use of Surplus. After all of the revenue bonds issued pursuant to a resolution of issue shall have been fully paid or discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in any construction fund or other fund provided for the security or further protection of the bonds shall, subject to the limitations and restrictions in said resolution of issue, become and be the property of the City, and be used by the City for any lawful purpose.

(18) Additional Covenants and Agreements A resolution of issue may provide for such other acts and matters and may include any and all such additional covenants and agreements on the part of the City as the Council shall deem necessary or advisable for the better security of the bonds issued thereunder or to make said bonds more marketable.

Bondholders' rights

Section 13. Rights of Bondholders. Except as provided otherwise in any resolution of issue the holder of any bond issued pursuant to this Article may by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the City or the Council or any official

or employee of the City or assumed by any thereof in connection with the acquisition, construction, completion, operation, maintenance, repair, reconstruction or insurance of any project, or the collection, deposit, investment, application and disbursement of rates, fees and charges derived from the operation and use of any project and all other revenues, or in connection with the deposit, investment or disbursement of the proceeds received from the sale of the bonds under this Article. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this Article.

Authority to issue bonds

Section 14. Article Confers Complete Authority. The provisions of this Article constitute full and complete authority for the issuance of revenue bonds as herein provided by the Council of the City of Richmond and no other procedure, or proceedings, consents, approvals, orders or permission from any municipal officer or board of City of Richmond, shall be required for the acquisition, construction or completion of any project, or the issuance of any revenue bonds under this Article, except as specifically provided in this Article.

Power and authority

Section 15. Provisions of Article Alternative. The powers and authorities conferred by this Article are in addition to and supplemental to all other powers and authorities conferred upon the City of Richmond. The method provided in this Article for the acquisition, construction and completion of projects and the issuance of revenue bonds shall be deemed an additional method for acquiring, constructing and completing such projects and providing funds therefor; provided that the City of Richmond may, in its discretion, acquire any properties for off-street vehicular parking facilities and issue general obligation bonds of the City of Richmond therefor, subject, however, to the condition that the City of Richmond shall not, while any revenue bonds authorized by this Article are issued and outstanding, acquire, construct or complete any off-street vehicular parking facilities, other than those specifically described in the last clause of paragraph (13) of Section 12 of this Article, which compete with any project operated or maintained through the issuance of revenue bonds by the Council.

Bonded indebtedness

Section 16 Revenue Bonds Excluded From Bonded Indebtedness of City. Revenue bonds issued under this Article shall not be taken into consideration in determining the bonded indebtedness which the City of Richmond is authorized to incur pursuant to Section 8 of Article IX of this Charter and shall be excluded from any limitation provided by this Charter or by law on the amount of bonded indebtedness of the City.

And we and each of us further certify that we have compared the foregoing proposed and ratified amendments to the charter of the City of Richmond with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

The foregoing proposed and ratified amendments to the charter of the City of Richmond are hereby submitted to the

Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to both of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Richmond to be affixed hereto this 18th day of May, 1953.

GUST J. ALLYN
(SEAL) Mayor of the City of Richmond
JOHN DEROY
City Clerk of the City of Richmond

and

WHEREAS, said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Richmond, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole without alteration or amendment, for and as amendments to and as part of the charter of said City of Richmond.

CHAPTER 162

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1¼ of Article XIII, relating to the exemption of property from taxation on account of military service.

[Filed with Secretary of State, June 1, 1953.]

Constitution Amendment Sec. 1¼ of Art. XIII re veterans' property tax exemption

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1953 Regular Session commencing on the fifth day of January, 1953, two-thirds of the members elected to each of the two Houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 1¼ of Article XIII thereof, to read:

SEC. 1¼. The property to the amount of one thousand dollars ($1,000) of every resident of this State who has served in the Army, Navy, Marine Corps, Coast Guard or Revenue Marine

(Revenue Cutter) Service of the United States (1) in time of war, or (2) in time of peace, in a campaign or expedition for service in which a medal has been issued by the Congress of the United States, and in either case has received an honorable discharge therefrom, or who after such service of the United States under such conditions has continued in such service, or who in time of war is in such service, or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and the property to the amount of one thousand dollars ($1,000) of the widow resident in this State, or if there be no such widow, of the widowed mother resident in this State, of every person who has so served and has died either during his term of service or after receiving an honorable discharge from said service, or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, and the property to the amount of one thousand dollars ($1,000) of pensioned widows, fathers, and mothers, resident in this State, of soldiers, sailors and marines who served in the Army, Navy, Marine Corps, Coast Guard or Revenue Marine (Revenue Cutter) Service of the United States shall be exempt from taxation; provided, this exemption shall not apply to any person named herein owning property of the value of five thousand dollars ($5,000) or more, or where the wife of such soldier or sailor owns property of the value of five thousand dollars ($5,000) or more. No exemption shall be made under the provisions of this section of the property of a person who is not legal resident of the State; provided, however, all real property owned by the Ladies of the Grand Army of the Republic and all property owned by the California Soldiers Widows Home Association shall be exempt from taxation.

The Legislature may exempt from taxation, in whole or in part, the property, constituting a home, of every resident of this State who, by reason of his military or naval service, is qualified for the exemption provided in the first paragraph of this section, without regard to any limitation contained therein on the value of property owned by such person or his wife, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service due to the loss, or loss of use, as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, has received assistance from the Government of the United States in the acquisition of such property; except that such exemption shall not extend to more than one home nor exceed five thousand dollars ($5,000) for any person or for any person and his spouse. This exemption shall be in lieu of the exemption provided in the first paragraph of this section.

CHAPTER 163

Assembly Joint Resolution No. 9—Relative to changes in rules regulating United States armed services commissary stores, their establishment and operation.

[Filed with Secretary of State, June 1, 1953.]

Armed services commissary stores

WHEREAS, There has been established by the Armed Services Committee of the House of Representatives of the Congress of the United States a "Criteria for Determining the Establishment and Disestablishment of Armed Services Commissary Stores"; and

WHEREAS, Said criteria are based upon the Armed Services Commissary Store Regulations containing the following provisions:

"1-301 General Policy. The establishment of commissary stores shall not be authorized in areas where adequate commercial facilities are conveniently available and sell commissary merchandise at reasonable prices, as determined by each service. With the effective date of this regulation, each service shall examine on an individual basis each commissary store in operation and shall make a determination with respect to the necessity for its continued operation. Three months from the effective date of this regulation, and in January of each year thereafter, each service shall re-examine on an individual basis the commissary stores that have been authorized. When it is found that the necessity for a commissary store no longer exists, the authority for its operation shall be withdrawn.

"1-302 Disestablishment of Commissary Stores. Commissary stores now in operation in areas where it has been determined that adequate commercial facilities are conveniently available and sell commissary merchandise at reasonable prices shall be disestablished on or before 1 January 1950. Commissary stores subsequently determined to be in operation in such areas shall be disestablished within 60 days from the date of determination."

WHEREAS, It is believed that the underlying purpose of said regulations and criteria is to restrict the operation of commissary stores to areas and military service establishments where adequate commercial facilities were not available; and

WHEREAS, It is generally recognized that it is for the best interests of the Country that usual commercial facilities conducted by private enterprise be allowed to supply and serve the entire population, including the armed forces, where such usual commercial facilities are available and able to perform such supply and such service function; and

WHEREAS, It is generally believed that the operation of armed services commissary stores is carried on solely as an auxiliary function of the said armed services without any desire by the

United States Government to compete with individual retail business; and

WHEREAS, Through the operation and experience acquired since the adoption of said criteria, it has become apparent that certain improvements can be made in the said criteria and the application thereof which will not only contribute to and aid the functioning of the said commissary branches of the armed services, but also prevent hardship and undesirable governmental competition with usual private commercial facilities; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the policy of said regulations and criteria be more closely followed and complied with in practice and that in accordance therewith the armed services of the United States be requested to review and re-examine the commissary stores established in California with the purpose of determining the necessity for the further continuance of many thereof which are claimed to exist where adequate commercial facilities exist and are conducted by private enterprise near such military installations and are now conveniently available to the military personnel there located and their necessities of service for such commercial facilities, and that such commissary stores be discontinued in accordance with such regulations and criteria where their further maintenance is not in accordance therewith; and be it further

Resolved, That Congress be urged to amend the present law, regulation or criteria, as may be necessary, to provide that such government commissary stores shall include in their operation costs the services for labor to be added to the invoice cost of the commodity and such labor costs recovered on all sales made, thereby placing this service cost where it properly belongs and not upon the shoulders of the taxpayer of this Country; and be it further

Resolved, That said criteria be amended to provide that all questions of adequacy of existing commercial facilities be determined on the basis of a survey made by an unbiased board of not less than three referees; and be it further

Resolved, That all purchases and sales made by the commissary store be in conformity with federal, state and municipal laws applicable to the area where said commissary store is established; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the Armed Services Committee of the House of Representatives of the Congress of the United States and each member thereof, to the armed services and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 164

Assembly Joint Resolution No. 26—Relative to memorializing the Congress of the United States to exempt jury fees from federal income taxation and to exempt jurors from requirement of reporting such fees.

[Filed with Secretary of State, June 1, 1953.]

Federal tax exemption of jury fees

WHEREAS, Under the Public Salary Tax Act, enacted in 1939, jurors are considered to be state or municipal employees, and, therefore, jury fees obtained by them are subject to federal income taxation; and

WHEREAS, The Sixteenth Amendment to the Constitution of the United States, granting to Congress the power to levy and collect income taxes, was not intended to interfere in any way with the constitutional guarantees of trial by jury set forth in the Sixth and Seventh Amendments to the Constitution of the United States, and the constitutions of most of the states; and

WHEREAS, There is a vast and significant difference between the status of a regular state or municipal employee, who is engaged in voluntary occupational pursuits, and that of a juror, whose service is mandatory so that the constitutional guarantee of trial by jury shall remain inviolate; and

WHEREAS, Since the great majority of trial jurors are called away from their regular occupations at a personal financial sacrifice in order to serve in the courts under constitutional mandate, their fees are actually a mere incident to their patriotic service, and should not be considered taxable income; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to exempt jury fees from federal income taxation; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the Congress of the United States to exempt jurors from the requirement of reporting jury fees for income tax purposes; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President of the Senate, the Speaker of the House of Representatives of the Congress of the United States, and to each Senator and Representative from California in the Congress of the United States

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CHAPTER 165

Assembly Concurrent Resolution No. 56—Relative to instruction in the Bear Flag history and the designation of Bear Flag Day.

[Filed with Secretary of State, June 1, 1953.]

Bear Flag

WHEREAS, There are many new residents of this State having no knowledge of the history of the Bear Flag of California; and

WHEREAS, The Bear Flag stands as a symbol and reminder that the pioneers not only won the independence of California as a republic so that it could join the Union of States, but also supplied the wealth in gold which made possible the preservation of that Union; and

WHEREAS, The children of this State, as its future leaders, should be taught the history of the Bear Flag; now, therefore, be it

Resolved, That the Department of Education is hereby requested to include in the public school curriculum instruction in the history of the Bear Flag; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to Roy E. Simpson, Superintendent of Public Instruction, and Roger H. Sagouspe, Chairman of the Flag Observance Committee of the Grand Parlor of the Native Sons of the Golden West.

CHAPTER 166

Assembly Concurrent Resolution No. 77—Relative to extending greetings and congratulations to Mrs. Rollin Brown, Los Angeles Mother of the Year.

[Filed with Secretary of State, June 1, 1953.]

Los Angeles Mother of the Year

WHEREAS, Mrs. Rollin Brown, 1134 North Orange Drive, Los Angeles, has had the title "Los Angeles Mother of the Year" conferred on her by official action of the Los Angeles County Board of Supervisors; and

WHEREAS, She gave her only son, Lieutenant Rollin Carr Brown, to the cause of liberty and freedom in World War II and has raised a daughter, Mrs. William Reuss, Jr. (Elizabeth B.), 7327 West 82d Street, Los Angeles; has accomplished significant deeds in behalf of children and youth; has maintained a continuing interest in her community as a member of the Los Angeles City Board of Recreation and Park Commissioners and the Los Angeles Coliseum Commission; has served as President of the Welfare Council of Metropolitan Los Angeles; and

WHEREAS, She has served the State as a member of the Recreation Commission since its establishment in 1947 and is now chairman of the commission; is a member of the Governor's Advisory Committee on Children and Youth; and is a past president of the California Congress of Parents and Teachers; and

WHEREAS, Mrs. Brown's outstanding services to the Nation are characterized by her present office of First Vice President, National Congress of Parents and Teachers; membership on the National Board of the Infantile Paralysis Foundation and on an Advisory Committee to the United States Public Health Service; and her participation in the White House Conference on Chil-

dren and Youth as an official California delegate, December, 1950; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature on behalf of the people of the State of California extend greetings and congratulations to Mrs. Rollin Brown, Los Angeles Mother of the Year; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to Mr. and Mrs. Rollin Brown, their daughter, Mrs. William Reuss, Jr., and to the State of California Recreation Commission.

CHAPTER 167

Assembly Concurrent Resolution No. 88—Relative to congratulating the Grand Lodge of California, Independent Order of Odd Fellows, upon its centennial celebration.

[Filed with Secretary of State, June 1, 1953]

Odd Fellows' centennial

WHEREAS, The California Lodge, No. 1, Independent Order of Odd Fellows, was organized in San Francisco on January 28, 1849; and

WHEREAS, The Grand Lodge of California, Independent Order of Odd Fellows, was organized May 17, 1853, at San Francisco, by California Lodge No. 1, Sacramento Lodge No. 2, Eureka Lodge No. 4, Auburn Lodge No. 5, and El Dorado Lodge No. 8; and

WHEREAS, The purposes of the order are to visit the sick, relieve the distressed, bury the dead, and educate the orphan; and

WHEREAS, The Independent Order of Odd Fellows celebrated the centennial of the First Grand Lodge session in Sacramento, on Saturday, May 16, 1953, at the Odd Fellows Temple in Sacramento, attended by officers and delegates from the lodges of California; and

WHEREAS, C. A. Beach, of Sacramento, has just completed one year of service as Grand Master, Grand Lodge of California; and

WHEREAS, Edward A. Seeley, a member of Inglewood Lodge No. 420, has recently assumed his duties as Grand Master, Grand Lodge of California; and

WHEREAS, The three links of the Odd Fellows emblem represent Friendship, Love and Truth; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the California Legislature do hereby extend greetings and best wishes for a long and happy career to C. A. Beach, the immediate past Grand Master, to Edward A. Seeley, the present Grand Master, Grand Lodge of California, and to all members of the Independent Order of Odd Fellows in California; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby instructed to prepare copies of this resolution for presentation to Past Grand Master Beach, Grand Master Seeley, the Grand Lodge of California, each of the founding lodges of the order, and to Inglewood Lodge No. 420, the home lodge of Grand Master Seeley.

CHAPTER 168

Assembly Concurrent Resolution No. 105—Relative to the death of Judge Benjamin Rosenthal.

[Filed with Secretary of State, June 1, 1953.]

Death of Judge Benjamin Rosenthal

WHEREAS, On Saturday, May 23, 1953, Judge Benjamin Rosenthal of the Municipal Court of the City of Los Angeles passed from this life; and

WHEREAS, Benjamin Rosenthal was admitted to the bar in 1927; and

WHEREAS, He served as a deputy city attorney of Los Angeles from 1930 to 1933; and

WHEREAS, In 1935, he was elected to the Assembly of the State of California, being re-elected twice; and

WHEREAS, He was appointed a judge of the Municipal Court of the City of Los Angeles in 1940 and was re-elected at all subsequent elections, serving continuously in that position to the time of his death; and

WHEREAS, The ability and sincerity he demonstrated during his tenure as a member of the Legislature was an inspiration to his fellow members; and

WHEREAS, As a judge, the keen sense of justice he displayed, his wisdom, and his warm and sympathetic understanding of the problems of his fellow human beings showed him to be an outstanding lawyer and jurist; and

WHEREAS, His service to his community and to his State earned him the respect and gratitude of his fellow citizens; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature expresses the deep sense of loss experienced by all the people of the State of California at the passing of Judge Benjamin Rosenthal, legislator, jurist, and public servant, and the Members of the Legislature hereby extend their deepest condolences to his family, his widow, Mrs. Rebecca Rosenthal, his daughter, Gloria, his brothers, William H. Rosenthal, himself a former Member of the Assembly, Samuel Rosenthal, and David Rosenthal, and to his sisters, Mrs. Bertha Gladstone, Mrs. Rhea Bliech, and Mrs. Mildred Uster, and to his many friends; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit suitably prepared copies of this resolution to the widow of Judge Benjamin Rosenthal, Rebecca, and to his daughter, Gloria, as an indication of the sympathy of the Legis-

lature of the State of California upon the loss of their beloved husband and father.

CHAPTER 169

Senate Concurrent Resolution No. 81—Approving amendments to the charter of the City of San Leandro, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal charter amendment election held therein on the twelfth day of May, 1953.

[Filed with Secretary of State, June 1, 1953.]

City of San Leandro: Charter amendments

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of San Leandro, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF MAYOR AND CITY CLERK
OF THE
CITY OF SAN LEANDRO

State of California
County of Alameda } ss.
City of San Leandro

Certificate

We, the undersigned, Thomas O. Knick, Mayor of the City of San Leandro, State of California, and H. H. Burbank, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Leandro, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants but less than fifty thousand population and has been ever since the sixteenth day of December, 1949, and is now, organized, existing, and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an Election duly held for that purpose on the sixteenth day of September, 1949, and approved by the Legislature of the State of California, by Concurrent Resolution filed with the Secretary of State on the sixteenth day of December, 1949. (Senate Concurrent Resolution No. 2).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of San Leandro, being the legislative body thereof, by its Resolution No. 2073 C. M. S., entitled "Resolution proposing five charter amendments, each on the motion of the City Council, calling a special municipal charter

amendment election in the City of San Leandro for the purpose of submitting to the electors of said City, five proposals to amend the charter of said City; fixing the date of said election, the manner of holding the same, establishing election precincts and polling places for said election, and appointing boards of election therefor, and providing for notice thereof", duly and regularly submitted to the qualified electors of said City certain proposals to amend the Charter of said City and to be voted on by the qualified electors at the Special Municipal Charter Amendment Election called and held for that purpose (among others) in said City on the twelfth day of May, 1953.

That said certain proposal was designated and entitled as follows:

"PROPOSAL D

Shall Article VIII of the Charter of the City of San Leandro be amended in its entirety and Sections 709 and 710 of Article VII be repealed so as to eliminate the City Manager as Personnel Officer of the Civil Service Commission of the City of San Leandro; to provide that such personnel officer be under the direct supervision of the Civil Service Commission; and to reinstate the provisions relating to Civil Service as proposed by the employees of the City and adopted as a part of the Charter of 1933 by the vote of the People in 1939; the text of which said Article VIII and Sections 709 and 710 of Article VII is set forth in Section 3 of Resolution No. 2073 C M S. adopted by the Council of said City of San Leandro on Monday, March 30, 1953, and now on file in the office of the City Clerk?

That said proposed amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of San Leandro, on the 1st day of April, 1953, in the "San Leandro News-Observer", a newspaper of general circulation published every day except Sundays in the City of San Leandro and the official newspaper of said City of San Leandro, and in each edition thereof, during the day of publication.

That under and pursuant to proceedings duly and regularly taken in the manner provided by law, said proposed amendment was submitted to the voters at said Special Municipal Charter Amendment Election on the 12th day of May, 1953, which day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendment in the "San Leandro News-Observer," the official newspaper of said City.

That thereafter on the 19th day of May, 1953, the City Council of the City of San Leandro in the manner provided by law, did regularly canvass the returns of said election, and did so on said day duly certify the results of the canvass of the said returns of said Special Municipal Charter Amendment Election by Resolution No. __ C M.S adopted on the 19th day of May, 1953, and declared the result of said Special

Municipal Charter Amendment Election as determined from the canvass of the returns thereof; and by said Resolution did find, determine, and declare that said proposed amendment to the Charter of the City of San Leandro was ratified by a majority of the electors of said City voting thereon.

That this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said amendment to the Charter of the City of San Leandro so ratified by the electors of said City is in words and figures as follows, to wit:

That Article VIII be amended in its entirety and Sections 709 and 710 of Article VII be repealed. The amended Article VIII comprising Sections 800-819 inclusive, to read as follows:

"ARTICLE VIII
CIVIL SERVICE
AMENDING ARTICLE VIII IN ITS ENTIRETY

Noncivil service

"Section 800. (Effect and application of this Article) The provisions of this Article and the rules and regulations adopted in compliance herewith shall apply to all offices, employment, and positions now existing or hereafter created within the municipal service of this City except the following:

1. Elected Officials;
2. Members of appointed Boards and Commissions;
3. Employees appointed by the Board of Education;
4. City Manager and his Secretary or one assistant;
5. City Clerk;
6. City Attorney;
7. Personnel Officer;
8. All Department Heads
9. Part-time employees paid on an hourly or per diem basis."

Civil service

"Section 801. Offices, employment and positions coming within the jurisdiction of this Article shall be known as the Civil Service of the City of San Leandro."

Removals

"Section 802. Officers and employees responsible, without intermediary supervision, to the City Council or the City Manager shall be subject to removal by the respective appointing authorities without right of appeal or hearing by the Civil Service Board or other body."

"Section 803. Any person promoted to the position of a head of a department from the Civil Service may be removed therefrom at the discretion of the appointing authority, but shall be reinstated to the position from which he was promoted unless the action for removal has been for cause other than personal prejudice, religious or political reasons other than political activities on the part of such person removed."

Personnel department

"Section 804. Establishment of Personnel Department: There is hereby established a personnel department which shall consist of the Civil Service of three members and a personnel officer."

"Section 805. Appointment, Qualifications, and Term of Office of the Members of the Civil Service Board: Anything in this Charter contained to the contrary notwithstanding, the City Council shall appoint from the registered electors of the City of San Leandro, three persons to serve as members of the Civil Service Board for terms of six years except as herein otherwise provided. The members of the Civil Service Board in office when this amendment taxes effect, shall continue in office for terms as follows: The term expiring January 1, 1954 shall remain unchanged; the term expiring January 1, 1955 shall be extended to January 1, 1956; and the term expiring January 1, 1957 shall be extended to January 1, 1958. Thereafter appointments shall be made for a term of six years or to complete an unexpired term. Neither during incumbency or within one year thereafter shall any member hold, or qualify as candidate for any other office, position, or employment within the City. Members may be removed for good cause by the City Council only after written charges have been filed, opportunity to answer has been provided, and public hearing." Civil service board

"Section 806. The Personnel Officer: The Civil Service Board shall select and appoint a personnel officer subject to the approval of the City Council to serve at the pleasure of and be under the direct supervision of the Civil Service Board." Personnel officer

"Section 807. Functions of the Civil Service Board: It shall be the duty of the Civil Service Board: Duties of board

1. After public notice and hearing to adopt rules for the administration of this article;

2. To adopt the position classification plan developed according to the rules provided hereunder;

3. To make investigation either upon complaint or upon its own motion concerning matters touching the administration of this article;

4. At least three months before the beginning of the fiscal year to cause a tentative salary and wage plan to be prepared for the Civil Service, together with regulations for the administration of the plan. This plan shall be submitted to the City Council with, or prior to, the submission of the City budget. After approval by the City Council the plan shall constitute the official schedule of compensation in the Civil Service;

5. As provided by rule, to hear appeals submitted by any person in the Civil Service relative to any proceedings or situation connected with his employment status or condition of employment. In any hearing the Civil Service Board shall prepare or cause to be prepared a written statement of the facts, findings, and recommendations concerning the case and shall transmit a duplicate of such statement to the City Clerk for submission to the City Council and a copy to the department head or supervisory official involved, if any, in case of suspension, discharge or demotion the Civil Service Board shall reinstate any employee to his former status if proof is made that the action was for personal prejudice, political or religious

reasons. In any other case the recommendation of the department head or supervisory official should be followed;

6. To make an annual report and such other reports as it deems desirable to the City Council covering the administration of the Civil Service system and special problems requiring Council or public action;

7. To consider such other matters touching the administration of this article as it deems necessary or proper;

8. The Board shall name one of its members to serve as the official upon whom all notices, requests for hearings, complaints and other official documents pertaining to personnel matters shall be served or filed."

Duties of personnel officer

"Section 808. Functions of the Personnel Officer: The personnel officer shall direct the administrative work of the personnel department; it shall be his duty:

1. To prepare and recommend to the Civil Service Board rules for carrying out the provisions of this article;

2. To administer such rules and proposed amendments thereto as the needs of the service may require;

3. To allocate positions to classes in the classification plan in accordance with the rules provided hereunder;

4 To enforce the provisions of the Civil Service amendment and rules and to perform all lawful and necessary duties essential to the effective administration of the Civil Service;

5. He shall act as secretary of the Civil Service Board, and maintain an official roster of officers and employees and such other records as may be required, by the Civil Service Board."

Phases of program

"Section 809. Rules to Include Certain Matters: In addition to any other pertinent matters the rules provided under this article shall include specific procedure governing the following phases of a personnel program: the preparation, installation, revision, and maintenance of the position classification plan based upon the study of the functions and responsibilities of all positions of the Civil Service; the public announcement of vacancies and examinations; the acceptance of applications for employment; the preparation of examinations and the development of other methods to assist in determining the qualifications of applicants for appointment to or promotion in the Civil Service; the conduct of examinations; the establishment and use of employment lists containing names of persons eligible for appointment; the certification and appointment of persons from employment lists to fill vacancies in the Civil Service; the making of provisional, temporary, and emergency appointments; the establishment of a probationary period prior to attaining permanent status under Civil Service; the transfer, promotion, and demotion of employees within the Civil Service; the resignation and reinstatement of employees; the standardization of the hours of work, attendance, and leave regulations, and working conditions; the development of employee morale, welfare, training, competence, and performance records; the separation of employees through lay-off, suspension, dismissal,

resignation, and incapacity to perform required duties; the certifications of payrolls; the use of necessary records and forms."

"Section 810. Veterans Preference: Any person who has served in the United States Army, Navy, or Marine Corps for 90 days in time of war and received an honorable discharge or is in inactive reserve, may, upon proof of service and upon attaining a passing grade in an entrance examination, be allowed an additional credit in grade marking as a veteran." Veterans' preference

"Section 811. Status of Present Employees: Any person holding a position in the service of the City when this article takes effect who shall have served in a position not exempt from the Civil Service, for a period of at least six months, shall be considered originally appointed as of that date; any person now occupying a position in the service of the City as a head of a department, except elective officers, City Manager, and City Attorney, shall, in the event of removal from such position for personal prejudices, religious or political reasons, other than political activity on the part of such person so removed in political campaigns of a local nature, or by demotion, shall have the privilege of entering the Civil Service in a position equal to the next lowest rank in the department of which he was the head, provided, however, he shall have held the position as head of the department for a period of at least six months prior to the effective date of this article." Incumbents status

"Section 812. Appointment: Appointment to vacant positions in the Civil Service shall be made according to the rules established hereunder from the employment list resulting from competitive examinations or by promotion, transfer, demotion, or reinstatement. In the absence of appropriate employment lists, provisional appointments may be authorized by the personnel officer or persons meeting the minimum requirements and qualifications for the position, for a period not to exceed 6 months in any fiscal year. In the event of any emergency any official legally qualified to make appointments may select and appoint the person or persons required to meet the situation, such appointment, however, shall not exceed 10 working days." Appointment

"Section 813. Facilities and Cooperation to be Furnished by the City: Cooperation of city

All officers and employees of the City during usual business hours, shall grant to the members of the Civil Service Board, the personnel officer, and any employee of the Civil Service Board designated by it or the personnel officer, free access to the records under their control and shall furnish such facilities, assistance, and information as may be required in carrying out the functions of the personnel department."

"Section 814. Power to Subpoena Witnesses: In any investigation or hearing conducted by the Civil Service Board, it shall have the power to subpoena and require the attendance of witnesses and the production of the books and records perti- Power to subpoena witnesses

nent to the investigation or hearing, and to administer oaths to such witnesses."

Discrimination prohibited

"Section 815 Political and Religious Discrimination Prohibited:

No person in the Civil Service, or seeking admission thereto, shall be appointed, demoted, or removed, or be in any way favored or discriminated against because of his political or religious opinion or affiliation."

Political activity

"Section 816. Political Activity: No person holding a position in the Civil Service shall directly or indirectly use or seek to use his authority or official influence to control or modify the political action of any person or during the hours of duty engage in any form of political activity or political campaign as to impair his usefulness in the position in which he is employed. Nothing in this section, however, shall be construed as prohibiting or preventing any such officer or employee from taking a legitimate interest as a citizen in his government or in casting his vote for the person of his choice."

Abuses, etc

"Section 817. Abuses and Frauds Prohibited: No person shall deceive or obstruct any person in respect to his or her right to participate in examinations under the provisions of this article, or falsely mark, grade, estimate or report upon the examination or standing of any person tested thereunder, or aid in so doing, or furnish any person, except to the inquiries of the Civil Service Board, any special information for the purpose of either improving or injuring the rating of any person for employment or appointment. No person shall solicit, orally or otherwise, any money or thing of value from any officer or employee holding a position in the Civil Service for any political party or purpose whatsoever. No person shall use or promise to use his influence or official authority to secure the appointment or prospect of appointment to any position in the Civil Service. No public officer or employee shall by means of threat or coercion induce or attempt to induce any person to resign from a Civil Service position or to take leave of absence from duties or waive any right under this article. A resignation executed prior to appointment shall be of no effect."

Certification of payroll

"Section 818. Certification of Payroll: No public disbursing officer shall pay any salary, wages, or other compensation to any person holding public office or position in the City unless the payroll or account bears the certificate of the personnel officer that the persons named therein were appointed or employed and were performing services according to the provisions of this article and the rules adopted hereunder."

Records public

"Section 819. Records Public: The records of the Civil Service Board shall be open to any citizen under reasonable supervision."

Repeal

That Sections 709 and 710 of Article VII of the Charter of the City of San Leandro be repealed.

ARTICLE VII

Sections 709 and 710 are hereby repealed."

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of San Leandro with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, and correct copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Seal of the City of San Leandro to be affixed hereto, this 19th day of May, 1953.

THOMAS O. KNICK
(SEAL) Mayor of the City of San Leandro
H. H. BURBANK
City Clerk of the City of San Leandro

WHEREAS, Said proposed amendments so ratified as hereinbefore set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of San Leandro as submitted to, and adopted and ratified by the qualified electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of San Leandro.

CHAPTER 170

Senate Concurrent Resolution No. 87—Amending Joint Rule 23 regarding passage of bills preceding final adjournment.

[Filed with Secretary of State, June 1, 1953.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Rule 23 of the Joint Rules of the Senate and Assembly for the 1953 Regular Session (S. C. R. 1), be amended to read:

Joint Rule Passage of bills preceding adjournment

23. No Senate bill shall be passed by the Senate and no Assembly bill shall be passed by the Assembly within nine days prior to the adjournment sine die of the two houses of the Legislature at a general session or within one day prior to the adjournment sine die of the two houses of the Legislature at a budget session, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the Committee on Rules (if it be a Senate bill) or by the Speaker of the Assembly (if it be an Assembly bill).

CHAPTER 171

Assembly Concurrent Resolution No. 111—Relative to the passage of joint and concurrent resolutions and constitutional amendments.

[Filed with Secretary of State, June 1, 1953.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Rule No. 23.5 is hereby added to the Joint Rules of the Senate and Assembly, to read:

Joint Rules' Exception to Rule 23

23.5. Rule No. 23 shall not apply to joint and concurrent resolutions, and constitutional amendments, during the remainder of the 1953 General Session. Such joint and concurrent resolutions may be acted upon by either house until final adjournment of said session.

CHAPTER 172

Assembly Concurrent Resolution No. 100—Relative to congratulating the Commonwealth Club of California on its fiftieth anniversary.

[Filed with Secretary of State, June 3, 1953.]

Commonwealth Club

WHEREAS, The Commonwealth Club of California is celebrating its fiftieth anniversary this twenty-fifth day of May, 1953; and

WHEREAS, The club is rich in tradition and color, and is associated with the names of many famous men, among them the men who founded the club; namely, John P. Young, Dr. Benjamin Ide Wheeler, Edward F. Adams, Dr. Frederic Burk, and William P. Lawlor; and

WHEREAS, The objects of the club are: "To investigate and discuss problems affecting the welfare of the Commonwealth and to aid in their solution," and "to maintain itself in an impartial position as an open forum for the discussion of disputed questions"; and

WHEREAS, For 50 years, the Commonwealth Club of California has held firmly to its objectives and has therefore served to enrich and ennoble the moral and intellectual life of this State; and

WHEREAS, The people of this State are grateful for the presence of such an organization in their State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members thereof congratulate the Commonwealth Club of California and its members, upon the occasion of its fiftieth anniversary; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably engrossed copies of this resolution to the Commonwealth Club of California.

CHAPTER 173

Assembly Concurrent Resolution No. 101—Relative to the passing of Judge T. W. Harris of the Alameda County Superior Court.

[Filed with Secretary of State, June 3, 1953.]

Death of Judge T. W. Harris

WHEREAS, In 1899, T. W. Harris was appointed Deputy District Attorney of Alameda County; and

WHEREAS, In October, 1905, he was appointed a judge of the Superior Court of Alameda County and was continuously reelected to that position for 45 years, a demonstration of public faith and confidence that few men can equal; and

WHEREAS, Judge T. W. Harris in 1918 was selected to act as Presiding Judge in Alameda County, and from 1926 to 1950 served as Presiding Judge, a manifestation of the high regard and deep respect of his fellow judicial officers; and

WHEREAS, Judge T. W. Harris has passed from this life after a long and active career as a public servant; and

WHEREAS, His keen sense of justice and fairness, his sagacity, and the able manner in which he performed his duties earned him the honor and respect of all who knew him; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California expresses its deep sense of sorrow at the loss of Judge T. W. Harris, a jurist whose devoted services to the welfare of the public will be long remembered and appreciated, and the Members of this Legislature hereby extend their sincerest and deepest condolences to his family and friends; and be it further

Resolved, That the Chief Clerk of the Assembly be, and hereby is, directed to transmit suitably prepared copies of this resolution to his sons, Myron Harris and Neal Harris, as a token of the sympathy of the Legislature of the State of California in their hour of bereavement.

CHAPTER 174

Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending the first paragraph of Section 7½ of Article XI, relating to county charters.

[Filed with Secretary of State, June 5, 1953.]

Constitution Amendment Sec. 7½ of Art. XI re county charters

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1953 Regular Session commencing on the fifth day of January, 1953, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be

amended by amending the first paragraph of Section 7½ of Article XI to read as follows:

SEC. 7½. Any county may frame a charter for its own government consistent with and subject to the Constitution (or, having framed such a charter, may frame a new one,) and relating to matters authorized by provisions of the Constitution, by causing a board of 15 freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county, at a general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three-fifths of all the members of the board of supervisors of such county, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified electors of said county as hereinafter provided. Such petition, signed by 15 per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, praying for the election of a board of 15 freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within 20 days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than 20 days nor more than 60 days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors; provided, that if a general election shall occur in said county not less than 20 days nor more than 60 days after the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated substantially in the same manner as may be provided by general law for the nomination of candidates for county offices. It shall be the duty of said board

of freeholders, within six months after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said board of supervisors shall thereupon cause said proposed charter to be published for at least 10 times in a daily newspaper of general circulation, printed, published and circulated in said county; provided, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; and provided, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county, and the first publication or the posting of such proposed charter shall be made within 15 days after the filing of a copy thereof, as aforesaid, in the office of the county clerk. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said county at a special election held not less than 30 days nor more than 60 days after the completion of such publication, or after such posting; provided, that if a general election shall occur in said county not less than 30 days nor more than 60 days after the completion of such publication, or after such posting, then such proposed charter may be so submitted at such general election. If a majority of said qualified electors, voting thereon at such general or special election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the Legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by the majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and filed, one in the Office of the Secretary of State and the other, after being recorded in the office of the

recorder of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

CHAPTER 175

Senate Joint Resolution No. 39—Relative to memorializing the Congress of the United States in relation to the livestock industry.

[Filed with Secretary of State, June 5, 1953.]

Livestock industry re federal grain surplus

WHEREAS, The livestock industry of the United States is one of the Nation's most important industries and the prosperity of the Nation depends in substantial part upon the prosperity of the livestock industry; and

WHEREAS, The livestock industry is confronted with a declining price level for its products without any corresponding lessening of its costs of production which results in an extremely unsettled state of affairs amounting to a national emergency; and

WHEREAS, One of the principal factors in the creation of this emergency is that the United States Government is supporting the prices of corn and feed grains at 90 percent of parity and, under the law, the corn and feed grains bought to support the prices thereof cannot be sold on the market at less than 105 percent of parity; and

WHEREAS, The operation of the parity price provisions as to corn and feed grains has caused the accumulation of an enormous surplus thereof in the hands of the United States Government which cannot be sold because the price is too high for the livestock industry to pay; and

WHEREAS, It appears to be inevitable that the price support program for corn and feed grains must terminate at some time because it is inconceivable that the United States Government will continue indefinitely to accumulate huge hoards of corn and feed grains for which it has no use and for which it has no market; and

WHEREAS, the orderly liquidation of the United States Government's surplus on a flexible price basis to be determined by the Secretary of Agriculture would tend to stabilize the livestock industry of the Nation and would avert what well may develop into an economic catastrophe to the entire Nation; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California hereby memorializes the Congress of the United States to take such steps as may be necessary to place the support of corn and feed grain prices upon a flexible basis and to authorize the liquidation of the surplus of corn and feed grains now in the hands of the United States Government at prices which the livestock industry and other potential purchasers are able to pay; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and the Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California in the Congress of the United States.

CHAPTER 176

Senate Joint Resolution No. 40—Relative to memorializing the Federal Reserve Board and the Farm Credit Administration in relation to loans on livestock.

[Filed with Secretary of State, June 5, 1953.]

Credit facilities for livestock producers

WHEREAS, The livestock industry of the United States is in a critical financial condition which the leaders of the industry anticipate will continue through the summer and fall months of the current year; and

WHEREAS, The need for credit facilities to finance livestock producers and feeders during the remainder of the current calendar year may increase beyond the credit facilities which are now available; and

WHEREAS, Preparation should be made to furnish credit facilities to the extent that they are needed in order to forestall the possibility of an economic collapse of the livestock industry which, if it occurred, would be disastrous to the entire economy of the Nation; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby requests the Federal Reserve Board and the Farm Credit Administration to conduct a continuing survey and investigation of the credit facilities available to livestock producers and feeders and to prepare in advance for any emergency which might arise because of the inadequacy of existing credit facilities by making provision for augmenting such facilities; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the chairman and members of the Federal Reserve Board and to the Secretary of Agriculture of the United States.

CHAPTER 177

Senate Joint Resolution No. 41—Relative to memorializing the Congress of the United States in relation to the purchase of beef for the armed forces.

[Filed with Secretary of State, June 5, 1953.]

"Buy-American" policy re beef for armed forces

WHEREAS, The appropriations for the armed forces of the United States in recent years have contained a "Buy-Ameri-

can" provision which has resulted in the purchase of large quantities of beef in the United States for members of the armed forces in this Country and abroad; and

WHEREAS, It is reported that this provision is being opposed by persons who advocate the purchase of supplies for the armed forces in foreign countries in order to better the economic condition of those countries; and

WHEREAS, The livestock industry of the United States is facing a period of readjustment during which every effort must be made to keep the economy of the industry in a stable condition; and

WHEREAS, The closing of this outlet for livestock products might precipitate a collapse of the livestock industry of this Country which might in turn precipitate a national calamity; and

WHEREAS, Whatever virtue there may be in economic aid to foreign countries it would be improvident to extend such aid in a manner that would be likely to bring about an economic disaster to this Country; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California hereby memorializes the Congress of the United States to continue the "Buy-American" policy with respect to the purchase of supplies for the armed forces in this Country and abroad; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and the Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 178

Senate Joint Resolution No. 42—Relative to memorializing the Congress of the United States in relation to tariff rates.

[Filed with Secretary of State, June 5, 1953.]

Agricultural and livestock tariffs

WHEREAS, During the past 20 years the tariff rates have been materially reduced, particularly in relation to agricultural and livestock products; and

WHEREAS, The agricultural and livestock industry of the United States is entering upon a period of readjustment during which the industry must be maintained on a stable basis if the economy of the entire Nation is not to be seriously impaired; and

WHEREAS, Any further dislocation of the agricultural and livestock industry through a lowering of the tariff rates on agricultural and livestock products would tend only towards the complication of problems which can be solved only with the greatest of difficulties; and

WHEREAS, Reasonable increases in the tariff duties on agricultural and livestock products would aid in the stabilization of the industry; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature hereby memorializes the President and the Congress of the United States to take such steps as may be necessary, under the Reciprocal Trade Agreement Act or otherwise, to refrain from any lowering of the current customs duties on agricultural and livestock products, but, on the contrary, to increase such duties wherever possible to such extent as may be necessary to provide adequate protection to the agricultural and livestock industry of the United States; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and the Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 179

Senate Concurrent Resolution No. 76—Approving amendments to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the fourth day of May, 1953.

[Filed with Secretary of State, June 5, 1953]

City of Napa Charter amendment

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification to certain amendments hereinafter set forth to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, as set out in the certificate of the acting mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF NAPA, COUNTY OF NAPA, STATE OF CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF NAPA } SS.
CITY OF NAPA

CERTIFICATE OF RATIFICATION OF THREE AMENDMENTS TO THE CHARTER OF THE CITY OF NAPA

Certificate

We, the undersigned Washington Mannering, Acting Mayor of the City of Napa, and Allen R. Thorpe, City Clerk of said City, do hereby certify as follows:

That the City of Napa, a municipal corporation in the County of Napa, State of California, now is and at all times herein

mentioned, was a city containing a population of more than 3,500 and less than 50,000 inhabitants and is now, and has been ever since January 26, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which said Charter was duly ratified by the qualified electors of said City of Napa at an election held for that purpose on the 16th day of December, 1914 and approved by the Legislature of the State of California on the 26th day of January, 1915.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of the City of Napa on its own motion duly made and entered on the minutes of said City Council, on March 13, 1953, duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa a proposed amendment to the Charter of said City of Napa, said charter amendment being designated as Proposal No. 1, filed in the office of the Clerk of said City of Napa on said March 13, 1953, and further ordered that said charter amendment should be submitted to and voted upon by the qualified voters of the City at a General Municipal Election held in said City on the 4th day of May, 1953.

That also in accordance with the provisions of Section 8 of Article 11 of the Constitution of the State of California, the City Council of the City of Napa on petitions signed by over 15% of the registered electors of said City filed with the City Clerk of said City of Napa on March 4th, 1953, duly and regularly submitted to the qualified voters of said City of Napa at the said election for the proposed amendments to the Charter of the City of Napa being designated as Proposal No. 3 and Proposal No. 4; and

It is further ordered that said proposed charter amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 15th day of March, 1953, in "The Napa Journal" a newspaper of general circulation printed and published in said City of Napa, and in all the editions thereof issued during said day of publication.

The said General Municipal Election was held in said City of Napa on May 4, 1953, and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter amendments designated as said Proposal No. 1, Proposal No. 3 Proposal No. 4 and each of them. and that said City Council, as provided by law, duly and regularly canvassed the returns of said election and did duly find, determine and declare the result of said General Municipal Election to be that a majority of the qualified voters of said City voting on said proposed charter amendments had voted for and ratified said amendments, and that the City Clerk did enter on the record and in the minutes of said City Council a statement of the result of said election.

That the said amendments to the Charter of the City of Napa, so ratified by the electors of said City of Napa, is in words and figures as follows, to-wit:

CHARTER AMENDMENT No. 1

That Section 68 of the City Charter of the City of Napa be repealed. Repeal

CHARTER AMENDMENT No. 3

That the Charter of the City of Napa is hereby amended by amending Section 49 to read as hereinafter provided and by repealing Sections 50, 51, 52, 53, 54, 55 and 56.

"Section 49. There shall be a recall. The mode and form of such recall shall be in accordance with the applicable general laws of the State of California in effect at the time of such recall." Recall

CHARTER AMENDMENT No. 4

That the Charter of the City of Napa is hereby amended by amending Sections 8 and 19 thereof to read, respectively, as hereinafter provided, and by adding thereto Section 18(a) to read as the same is hereinafter provided.

"Section 8. (Term of Office) The term of all elective officers shall be for two years, commencing on the first day of June, at twelve o'clock noon, succeeding their election and until their successors have qualified. Terms of office

"The elective officers of the City of Napa who shall hold said offices on the day on which the Legislature of the State of California approves the Charter Amendment of which this Section is a part, shall continue to hold and exercise their respective offices until the first day of June of the year immediately following the year in which said Legislature approves said Charter Amendment and thereafter until the election and qualification of the first elective officers to be elected under said Charter Amendment.

"Section 18(a). (Interim Election) There shall be a General Municipal Election in the year immediately following the year in which the Legislature of the State of California approves the Charter Amendment of which this Section is a part. Elections

"At said election, the mayor shall be elected for a full term of two years.

"At said election, in the case of the election of councilmen, the two persons receiving the first and second highest number of votes shall be elected councilman for the full term of two years; the two persons receiving the third and fourth highest number of votes shall be councilman for the short term of one year.

"Section 19. (Manner of Electing for Long and Short Terms). In case of the election of councilmen, after the first

general election and after the first General Municipal Election referred to in Section 18(a) of this charter, where one or more unexpired terms are to be filled, the persons elected who shall receive the highest number of votes, shall be elected for the first full term of two years, the person so elected who shall receive the second highest number of votes shall be elected for the second full term of two years and the persons so elected who shall receive, respectively, the third and fourth highest number of votes shall be elected for a short term of one year."

That we have compared the foregoing amendments with the original proposal submitted to the electors of said City of Napa and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preambles of this Certificate preceding said amendments to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Napa to be affixed hereto this 12th day of May, 1953.

(SEAL)

WASHINGTON MANNERING
Acting Mayor of the City of Napa,
State of California
ALLEN R. THORPE
City Clerk of the City of Napa,
State of California

WHEREAS, Said proposed amendments so ratified as hereinbefore set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Napa as submitted to, and adopted and ratified by the qualified electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of Napa.

CHAPTER 180

Assembly Joint Resolution No. 32—Relative to encouraging self-help of persons on the aid to needy children assistance program.

[Filed with Secretary of State, June 8, 1953.]

Needy children program

WHEREAS, There is in California a joint federal, state and county program of public assistance to parents and children

under the Social Security Act known as the aid to needy children program, at a current cost of over eighty-nine million dollars ($89,000,000) per year; and

WHEREAS, In the administration of such program the entire earnings of such parents and such children are deducted from the public assistance payments to them, thereby discouraging such persons from seeking or entering upon any gainful occupation whatever and encouraging them to live in idleness; and

WHEREAS, This policy encourages juvenile delinquency and tends to destroy the moral fiber of the many fine people whose misfortune compels them to seek support from this program; and

WHEREAS, It is the public policy of the State of California to encourage all persons capable of self-help to seek gainful employment in order to better themselves, their families, and our society; and

WHEREAS, The standard of support to persons on the aid to needy children program is a bare minimum and should be supplemented with other funds wherever possible; and

WHEREAS, A program allowing persons on the aid to needy children program to retain part of their earnings without reduction in the public assistance would encourage these persons to help themselves, eliminate idleness, improve their standard of living, and would materially reduce the cost of the whole program to the county, state and federal governments; and

WHEREAS, The Federal Security Administration has ruled that the Social Security Act does not permit a state plan of aid to needy children to allow any supplemental income whatever in addition to the public grant of assistance; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress and President of the United States be and they are hereby urged and memorialized to enact at this session of Congress such laws as will encourage persons receiving aid to needy children assistance to seek gainful employment and permit them to retain part of their earnings so as to improve their standard of living above the minimum of the public assistance program, and thereby to become self-supporting; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to transmit copies of this resolution to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Federal Security Administrator.

CHAPTER 181

Assembly Joint Resolution No. 33—Relative to memorializing Congress to enact H. R. 2720 providing for the rapid amortization of facilities constructed by private industry for the control of air pollution.

[Filed with Secretary of State, June 8, 1953.]

Air pollution control facilities

WHEREAS, There is pending before the Congress of the United States H. R. 2720, referred to the Committee on Ways and Means; and

WHEREAS, H. R. 2720 would provide for a 60-month rapid amortization for tax purposes of facilities constructed by private industry for the control of air pollution; and

WHEREAS, Both the industries and local governmental agencies of California, which create part of the problem of air pollution and whose interests are adversely affected by air pollution, are in agreement regarding the necessity for construction of air pollution control facilities and equipment, but the scheduling of equipment installations depends upon ability to finance such construction; and

WHEREAS, It is becoming increasingly difficult for private industry to finance construction of these facilities since they are nonproductive, and it may be necessary either to restrict industrial production or to construct air pollution control facilities for industry by using governmental funds; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact H. R. 2720; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President of the United States, the President of the Senate of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 182

Assembly Concurrent Resolution No. 80—Relating to the Pasadena Pioneer's Bridge.

[Filed with Secretary of State, June 8, 1953.]

Pasadena Pioneer's Bridge

WHEREAS, Eighty years ago a group of courageous pioneers headed by Dr. T. B. Elliott of Indianapolis, Indiana, determined to come to California for the purpose of locating a settlement; and

WHEREAS, These pioneers formed the California Colony of Indiana and sent out an agent to look for land in California suitable for their purposes; and

WHEREAS, In August of 1873, the agent came upon the present site of Pasadena, which was then known as the "San Pasqual Grant"; and

WHEREAS, Entranced by its scenic beauty, charmed by the salubrity of its climate, and inspired by its agricultural and economic potentialities, the agent of the California Colony of Indiana decided upon the San Pasqual Grant as the location for the settlement; and

WHEREAS, In 1874, having been purchased from its prior owners, the land was divided and apportioned among the individual stockholders of the purchasing corporation, the settlers dividing the land near the present site of the bridge which is now being completed north of the Colorado Street Bridge in Pasadena; and

WHEREAS, Recognition should be given to the hardy and adventuresome folk who settled in Pasadena and whose industry developed the present City of Pasadena, a city whose great charm, dazzling beauty and boundless wealth make it outstanding, even in California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the bridge nearing completion in the City of Pasadena north of the Colorado Street Bridge be named the "Pasadena Pioneer's Bridge"; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the City Council of the City of Pasadena.

CHAPTER 183

Assembly Concurrent Resolution No. 69—Relative to the specimen log of Sequoia gigantea sent to the Swedish Museum of Natural History of Stockholm, Sweden.

[Filed with Secretary of State, June 8, 1953.]

Sequoia exhibit in Sweden

WHEREAS, Dr. Eric Hulten, the Director of the Botanical Department of the Swedish Museum of Natural History of Stockholm, Sweden, expressed a desire to Dr. Lyman Benson of Pomona College, Claremont, California, and to Mr. Henrik Vougt of Pomona, California, to obtain for the botanical museum a specimen log of Sequoia gigantea, commonly known as California redwood; and

WHEREAS, The matter was placed by Dr. Benson and by Henrik Vougt before the Honorable DeWitt Nelson, State Forester, Sacramento, California, and the Honorable Ernest R. Geddes, Assemblyman of the State of California; and

WHEREAS, Through the cooperative efforts of the Honorable Earl Warren, Governor of the State of California, the Honorable James Dean, Director of Finance, and the California Department of Natural Resources, Division of Forestry, a suitable specimen log of the Sequoia gigantea was obtained in the Mountain Home State Forest and transported by the State of California to the Port of San Francisco; and

WHEREAS, Through the cooperative efforts of the Consulate General of Sweden in San Francisco, and the Johnson Line of Sweden the redwood log was transported to Stockholm, Sweden; and

WHEREAS, This specimen log is now on display to the wonder and pleasure of the people of Sweden and visitors to that country who visit the Botanical Department of the Swedish Museum of Natural History to view this section of a tree which was a living and growing thing, already about 425 years old, at the time of the beginning of the Christian Era; and

WHEREAS, The specimen of this California redwood herein referred to is to our knowledge the largest on display in any of the European countries; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California State Legislature regards the preparation and the transportation of this product of California soil to the Botanical Department of the Swedish Museum of Natural History at Stockholm, Sweden, as a token of affection and good will from the people of the State of California to the people of Sweden; and be it further

Resolved, That a suitably engrossed copy of this resolution be sent to Mr. Henrik Vougt in order that he may transmit the same to Dr. Eric Hulten, the Director of the Botanical Department of the Swedish Museum of Natural History of Stockholm, Sweden, to be displayed at the exhibit of the specimen of the Sequoia gigantea.

CHAPTER 184

Assembly Concurrent Resolution No. 48—Relative to requesting the Fish and Game Commission to adopt a policy in regard to the safety aspects of opening areas to deer hunting.

[Filed with Secretary of State, June 8, 1953.]

Deer hunting

WHEREAS, Broad powers have been conferred upon the Fish and Game Commission to open areas to deer hunting when a surplus of deer exist therein; and

WHEREAS, Deer hunters customarily use high-powered rifles the use of which in populated areas creates a menace to human life; and

WHEREAS, The importance of the safety aspects of opening areas to hunting outweighs the importance of the taking of the surplus deer and such safety aspects should be a matter of primary consideration by the commission in opening areas to hunting; and

WHEREAS, Local boards of supervisors, safety commissions and city councils are familiar with conditions in their respective localities and in former years the commission frequently discussed with them the safety aspects of opening areas to deer hunting, but in the recent past such discussions have not usually taken place; and

WHEREAS, It is probable that in many instances an area may be established for the taking of deer so that considerable danger to human life would result which could be eliminated or reduced by changing the boundaries of the area and at the same time permitting the taking of an equivalent number of deer; and

WHEREAS, It is necessary and desirable that hunting within this State shall be done in such manner and under such conditions as to afford the maximum degree of safety to human life; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Fish and Game Commission is hereby requested to adopt and put into effect a policy of conferring with boards of supervisors, local safety commissions or councils, and city councils prior to opening any area to the taking of deer to the end that the commission may have the benefit of the recommendations of such local agencies with regard to the safety aspects of the proposed opening.

CHAPTER 185

Assembly Constitutional Amendment No. 53—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1a of Article XIII thereof, relating to the taxation of property of educational institutions of collegiate grade.

[Filed with Secretary of State, June 8, 1953.]

Constitution. Amendment Sec 1a of Art XIII re taxation of colleges

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1953 Regular Session commencing on the fifth day of January, 1953, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 1a of Article XIII thereof, to read:

SEC. 1a. Any educational institution of collegiate grade within the State of California, not conducted for profit, shall hold exempt from taxation its buildings and equipment, its grounds within which its buildings are located, not exceeding 100 acres in area, its securities and income used exclusively for the purposes of education.

The exemption granted by this section applies to and includes a building in the course of construction on or after the first Monday of March, 1950, and the land on which the building is located, if the property is intended when completed to be used exclusively for the purposes of education.

CHAPTER 186

Assembly Joint Resolution No. 29—Relative to federal supervision of Indians in California.

[Filed with Secretary of State, June 8, 1953.]

California Indians

WHEREAS, Senator George W. Malone, in two addresses to the Senate of the United States on September 22, 1951, and October 20, 1951, stated that in 1903 the appropriation to maintain the National Bureau of Indian Affairs totaled ten million four hundred nineteen thousand four hundred ninety dollars and fifty cents ($10,419,490.50), that the annual appropriations have increased from year to year until in 1951 the total was eighty-three million seventy-three thousand twenty dollars ($83,073,020), and that funds from other congressional appropriations averaged more than sixteen million dollars ($16,000,000) for the purpose of maintaining the functions of that bureau; and

WHEREAS, At hearings of the Appropriation Committee of the United States House of Representatives it was revealed that there was appropriated in 1952 a total of one million eight hundred fifty thousand seven hundred three dollars ($1,850,703) to the Bureau of Indian Affairs for supervision of Indians in California, and that an appropriation of three million three hundred sixty-four thousand six hundred sixteen dollars ($3,364,616) has been asked for this purpose for 1953; and

WHEREAS, The Indians in California are citizens of this State and of the United States and, as such, under the laws of this State are accorded the right to vote, to attend public schools, to assistance for the aged and indigent sick, and for orphan and half-orphan children, and have in fact the same rights and privileges accorded to other citizens of the State; and

WHEREAS, The Indians in California on several occasions by petitions and by personal appearance of their delegates have urged the Bureau of Indian Affairs and Congress to remove the stigma and handicap of the term "wards" and to place Indians on the same basis as other citizens of California, thereby saving the taxpayers of the State and of the United States many millions of dollars to maintain federal supervision over Indians in California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby memorializes the Congress of the United States to enact remedial legislation to free Indians in California from federal supervision and control and to put them on an equal basis in all respects with other citizens of the State; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, to the Commissioner of Indian Affairs, to the Chairman of the Senate Committee on Interior and Insular Affairs, to the Chairman of the House Committee on Interior and Insular Affairs, and to each

Senator and Representative from California in the Congress of the United States.

CHAPTER 187

Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article II thereof, relating to the right to vote.

[Filed with Secretary of State, June 8, 1953.]

Constitution Amendment Sec 1 of Art II re voting rights

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1953 Regular Session commencing on the fifth day of January, 1953, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 1 of Article II thereof to read as follows:

SECTION 1. Every native citizen of the United States of America, every person who shall have acquired the rights of citizenship under and by virtue of the Treaty of Queretaro, and every naturalized citizen thereof, who shall have become such 90 days prior to any election, of the age of 21 years, who shall have been a resident of the State one year next preceding the day of the election, and of the county in which he or she claims his or her vote 90 days, and in the election precinct 54 days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county within 54 days, or any person duly registered as an elector in any county in California and removing therefrom to another county in California within 90 days prior to an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct or county from which he so removed until after such election; provided, further, no alien ineligible to citizenship, no idiot, no insane person, no person while paying the penalties imposed by law for conviction of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this State; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was 60 years of age and upwards on October 10, 1911; provided, further, that the Legislature may, by general law, provide for the casting of votes by duly registered voters who expect to be absent from their respective precincts or unable to vote therein,

by reason of physical disability, on the day on which any election is held.

CHAPTER 188

Assembly Concurrent Resolution No. 97—Relative to International Association for Identification.

[Filed with Secretary of State, June 8, 1953.]

International Association for Identification

WHEREAS, The International Association for Identification, a world-wide professional organization composed of experts in the fields of fingerprint, firearm, and questioned-document examination, and specialists in related occupations, was organized in Oakland, California, October 9, 1915; and

WHEREAS, The California State Division of the International Association for Identification was organized in Oakland, California, August 5, 1916, and now includes in its membership the identification experts of the Western States and Hawaii; and

WHEREAS, The present officers of the California State Division of the International Association for Identification are Harry V. Skoog, Lieutenant, Inglewood Police Department, President; James G. Brewer, Sergeant, California Highway Patrol, of Sacramento, Vice President; and Carl J. Wallace, of Ventura, Secretary-Treasurer; and

WHEREAS, The thirty-eighth annual conference and convention of the California State Division of the International Association for Identification will be held in San Diego, California, on May 27, 28, and 29, 1953; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Legislature hereby extends its congratulations to the California State Division of the International Association for Identification for its long and successful career in identification and law enforcement; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to prepare 10 copies of this resolution to be delivered to the President of the California State Division of the International Association for Identification.

CHAPTER 189

Senate Joint Resolution No. 30—Relative to the need for congressional action to restore the taxing power of the states.

[Filed with Secretary of State, June 8, 1953.]

State taxes under Atomic Energy Act

WHEREAS, The United States Supreme Court has interpreted the concluding sentence of Section 9(b) of the Atomic Energy Act of 1946 as exempting from state and local taxation the

activities of private contractors performing services for the Atomic Energy Commission; and

WHEREAS, By this interpretation of the federal statute these contractors have been allowed tax exemption not permitted to any other contractors with the government; and

WHEREAS, This results in serious interference with state and local powers of taxation, contrary to the established policy of the Congress; and

WHEREAS, Hon. Thomas H. Kuchel of California, for himself and Hon. William F. Knowland of California, has introduced in the Senate of the United States a bill (S. 671, Eighty-third Congress, First Session) to amend Section 9(b) of the Atomic Energy Act of 1946 by striking out the last sentence thereof; and

WHEREAS, The language thus to be deleted from the law has been construed by the Supreme Court as providing tax immunity for independent private contractors; and

WHEREAS, No statutory exemption is required to afford the Atomic Energy Commission the same immunity from state and local taxation as is accorded other agencies of the United States under the Constitution; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact as speedily as possible S. 671, introduced by Senators Kuchel and Knowland of California, thus putting an end to a serious interference with state and local taxing powers that strikes directly at the rights of the states to support the essentials of government by nondiscriminatory taxation; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 190

Senate Joint Resolution No. 44—Relative to memorializing Congress to cause the inscription "In God We Trust" to be placed on postage stamps of the United States.

[Filed with Secretary of State, June 8, 1953.]

Postage stamps

WHEREAS, The coins of the United States bear the inscription "In God We Trust," while postage stamps do not bear such an inscription; and

WHEREAS, Postage stamps reach into millions of foreign homes and offices in which the coinage of our country is never seen; and

WHEREAS, Postage stamps, on which the inscription, "In God We Trust" is printed will be a highly effective means of de-

scribing the fundamentally spiritual nature of this Country to all nations of the world; and

WHEREAS, The Honorable Mike Mansfield, member of the United States Senate from the State of Montana, has introduced a bill into the Senate of the United States requiring the Post Office Department to cause the inscription "In God We Trust" to be placed on all United States postage stamps; and

WHEREAS, In our current struggle against the irreligious and false philosophy of communism, it is of great importance that we continually remind ourselves and the world that the debt of gratitude we owe is to God and that it is in Him that we will find the strength and perseverance to prevail; now, therefore, be it

Resolved by the Senate and Assembly of the State of California jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to cause the inscription "In God We Trust" to be placed on the postage stamps of the United States and to enact appropriate legislation to accomplish that purpose; and be it further

Resolved, That the Secretary of the Senate be, and hereby is, directed to transmit copies of this resolution to the President of the Senate of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Honorable Mike Mansfield, United States Senator from the State of Montana.

CHAPTER 191

Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding Section 4 to Article XIV of said Constitution, relating to the acquisition of property by governmental agencies.

[Filed with Secretary of State, June 8, 1953.]

Constitution: Addition of Sec. 4 to Art. XIV re property acquisition by governmental agencies

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1953 Regular Session, commencing January 5, 1953, two-thirds of all members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 4 to Article XIV thereof, to read:

SEC. 4. Whenever any agency of government, local, state, or federal, hereafter acquires any interest in real property in this State, the acceptance of the interest shall constitute an agreement by the agency to conform to the laws of California as to the acquisition, control, use, and distribution of water with respect to the land so acquired.

CHAPTER 192

Senate Concurrent Resolution No. 56—Relative to renaming the highway between Santa Rosa and Ignacio "Valley of the Moon Scenic Route."

[Filed with Secretary of State, June 8, 1953.]

"Valley of the Moon Scenic Route"

WHEREAS, At the 1949 Regular Session of the Legislature Assembly Concurrent Resolution No. 46 was passed (page 3224, Statutes of 1949), which resolution designated a certain described highway to be known as the "Valley of the Moon Scenic Route"; and

WHEREAS, No recognition has been given to the name of the highway by the posting of signs indicating that it is the "Valley of the Moon Scenic Route"; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Department of Public Works is hereby requested to erect appropriate signs at both termini of the highway; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the Chairman of the California Highway Commission, to the State Director of Public Works, and to the State Highway Engineer.

CHAPTER 193

Senate Concurrent Resolution No. 66—Relative to requesting representatives of state departments and agencies to discuss bills with their authors.

[Filed with Secretary of State, June 8, 1953.]

Committee hearings

WHEREAS, Representatives of state departments and agencies at this session of the Legislature have been expressing opposition to bills at committee hearings without first having discussed the reasons for their opposition with the authors of the bills; and

WHEREAS, If such representatives before opposing a bill in committee would discuss the reasons for their opposition with the bill's author many of the points of disagreement could be eliminated without the necessity of publicly expressing disapproval in committee; and

WHEREAS, Prior discussion with the author of a bill would in many instances save the time of the Legislature by eliminating needless debate and so contribute to the efficient handling of business; and

WHEREAS, It would be courteous and considerate for such representatives to discuss their reasons for opposing a bill with its author prior to committee hearing so that the author will not be exposed to needless opposition as to those suggestions which he is perfectly willing to accept; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the representatives of state departments and agencies be requested that before they oppose a bill in committee they discuss the reasons for their opposition with the author of the bill before the bill comes up for hearing; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to prepare and deliver copies of this resolution to the heads of each state department and agency.

CHAPTER 194

Senate Concurrent Resolution No. 67—Relative to State Highway Route No. 65.

[Filed with Secretary of State, June 8, 1953.]

State Highway 65

WHEREAS, Money has been appropriated for the purchase of rights of way along State Highway Route No. 65 for the relocation of part of that route in order to by-pass the City of Porterville, and other money has been budgeted and will be appropriated for the same purpose; and

WHEREAS, It is necessary that such relocation be completed at the earliest date possible in order to facilitate the use and operation of the nearly constructed Porterville State Home, which will be served by State Highway Route No. 65; and

WHEREAS, Many employees of the Porterville State Home will use, extensively, State Highway Route No. 65 since they must reside in nearby communities; and

WHEREAS, It is in the best interests of the agricultural area through which State Highway Route No. 65 passes that such relocation be completed in the near future; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Works is hereby requested to expedite the purchase of necessary rights of way for the relocation of that part of State Highway Route No. 65 in the vicinity of Porterville and the Porterville State Home, and to complete such relocation with all possible speed; and be it further

Resolved, That the Secretary of the Senate send copies of this resolution to each member of the California Highway Commission and the Director of the Department of Public Works.

CHAPTER 195

Senate Concurrent Resolution No. 77—Relative to congratulating Philip C. Wilkins.

[Filed with Secretary of State, June 8, 1953.]

Philip C Wilkins

WHEREAS, Philip C. Wilkins has been elected Grand President of the Native Sons of the Golden West, and will be installed

in that office at the meeting of the Native Sons of the Golden West in the City of Sonoma on Thursday, May 21, 1953; and

WHEREAS, His selection as Grand President is proper recognition of his outstanding activity as a Native Son of the Golden West, and in all endeavors for the betterment of that organization, and his native State, California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature express its congratulations and best wishes to Philip C. Wilkins on his election as Grand President of the Native Sons of the Golden West; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit a copy of this resolution to Philip C. Wilkins, and to the Secretary of the Native Sons of the Golden West.

CHAPTER 196

Senate Concurrent Resolution No. 80—Relative to the Ivanhoe Case.

[Filed with Secretary of State, June 8, 1953.]

WHEREAS, The Ivanhoe Irrigation District commenced an action in the Superior Court of Tulare County to validate a contract between the district and the United States for the delivery of water from the Central Valley Project and for the construction of a local distribution system within the district; and Ivanhoe case

WHEREAS, The State of California appeared as a party defendant in said proceeding, and at the suggestion and request of the court the Water Project Authority, as a separate entity, became a party defendant, both the State and the Water Project Authority being represented by the Attorney General; and

WHEREAS, At the request and direction of said court, the State Engineer appeared as a party defendant in said proceeding, his views being presented to the trial court by the principal attorney for the Division of Water Resources; and

WHEREAS, The trial court has decided the case and filed its finding of facts, conclusions of law and judgment, holding the contract invalid in certain particulars; and

WHEREAS, While the plaintiff Ivanhoe Irrigation District has appealed from said judgment and the defendant State of California has appealed from the judgment of the trial court, the State Engineer and the Water Project Authority have not appealed from said judgment, the Water Project Authority having filed, but later withdrew, its notice of appeal; and

WHEREAS, The Water Project Authority, by resolution in April, 1953, directed the withdrawal of its appeal, taking the position that the Attorney General in appearing on behalf of the people of the State of California will represent all parties and interests of the State of California in the matter; and

WHEREAS, The Water Project Authority resolution authorized the principal attorney of the Division of Water Resources to appear in the appellate proceedings and express his views as amicus curiae; and

WHEREAS, If the principal attorney for the Division of Water Resources is denied the privilege of appearing in the Appellate Courts of California or in the United States Supreme Court as amicus curiae, the Water Project Authority and the State Engineer would be without the representation and presentation of views as expressed by the principal attorney for the Division of Water Resources to the trial court, which position was and is at variance with that of the Attorney General of California; and

WHEREAS, In the Ivanhoe Case the Water Project Authority and the State Engineer are in fact respondents to both the appeal of the Ivanhoe Irrigation District and the appeal of the people of the State of California; and

WHEREAS, The Water Project Authority and the State Engineer, as respondents should also be represented; and

WHEREAS, The Attorney General in representing the people of the State of California as an appellant, has taken a position inconsistent to that of the Water Project Authority and the State Engineer and cannot properly be asked to present two inconsistent positions before the appellate courts; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Water Project Authority and the State Engineer are requested to appear as respondents in said case by and through the principal attorney for the Division of Water Resources and his staff, to the end that there is a full presentation, including that of the respondents the Water Project Authority and the State Engineer, of all issues to the appellate courts of this State and to the courts of the United States, if an appeal is lodged in those courts in the case in question; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to each member of the Water Project Authority and to the State Engineer.

CHAPTER 197

Senate Concurrent Resolution No. 85—Approving certain amendments to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the nineteenth day of May, 1953.

[Filed with Secretary of State, June 8, 1953.]

City of Oakland. Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments herein-

after set forth, to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA,
COUNTY OF ALAMEDA, } ss.
CITY OF OAKLAND.

We, the undersigned, Clifford E. Rishell, Mayor of the City of Oakland, State of California, and Charles M. Don, City Clerk of said City, do hereby certify and declare as follows: Certificate

That the City of Oakland, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1911, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at an election held for that purpose on the eighth day of December, 1910, and approved by the Legislature of the State of California, by Senate Concurrent Resolution filed with the Secretary of State on the fifteenth day of February, 1911 (Statutes of 1911, p. 1551).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Oakland, being the legislative body of said City, on its own motion by its Resolution No. 29520 C.M.S. passed March 17, 1953, duly and regularly proposed and submitted to the qualified electors of said City, five certain proposals designated as Propositions 1, 2, 3, 4, and 5, for amending the Charter of said City, to be voted upon by said qualified electors at a special municipal election called and held for that purpose in said City on the 19th day of May, 1953. That said special election was duly and regularly called, authorized and provided for by said Council of said City of Oakland by said aforementioned resolution, and that by said resolution said special election was duly and regularly consolidated with the General Municipal Election to be held in said City on said date. That said consolidated Special Municipal Election was duly and regularly held in said City in accordance with the provisions of the Charter of the City of Oakland and in manner provided by law, after due notice given and published, with the said General Municipal Election, on the 19th day of May, 1953, which said day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the aforementioned proposed amendments in the "Oakland Tribune," the official newspaper of said City.

That such proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article

XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Oakland, on the 1st day of April, 1953, in the "Oakland Tribune," a daily newspaper of general circulation published in said City of Oakland and the official newspaper of said City, and in each edition thereof, during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form, and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said City, in accordance with the Constitution of the State of California and the Charter of the City of Oakland; and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Oakland was published in said "Oakland Tribune," a newspaper of general circulation published in said City, on the 8th day of April, 1953, and on each day thereafter to and including the 19th day of May, 1953, the date of said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Oakland, the Council of said City provided for the formulation and printing of a statement not exceeding five hundred words in length, descriptive of and explaining the nature or purpose of said proposals to amend the Charter of said City; that a copy of said printed statement was mailed and distributed by the City Clerk of said City to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendments.

That as to each of the amendments to the Charter of the City of Oakland hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith, and that all provisions of law and of the Charter of the City of Oakland, applicable thereto have been fully conformed to and complied with.

That in accordance with the provisions of the Charter of the City of Oakland, and with the law in such cases made and provided, the Council of the City of Oakland, on the 22nd day of May, 1953, at a meeting duly and regularly called and held at its usual place of meeting, which meeting was recessed to and reconvened on the 25th day of May, 1953, duly canvassed the returns of said consolidated elections, as certified by the election boards, and at a meeting of said Council duly and regularly called and held on the 25th day of May, 1953, at its usual place of meeting, said Council by its Resolution No. 29903 C. M. S., duly found, determined and declared that each of the said proposed amendments to the Charter of the City of Oakland, designated as Propositions 2, 3, and 5, was ratified by a majority of the qualified electors of said City voting thereon, and that each of said proposed amendments to said Charter designated as Propositions 1 and 4, received less than a majority of the votes of the qualified electors voting thereon, and was not ratified;

that the proposed amendments to the Charter of the City of Oakland which were so ratified by a majority of the electors of said City, are in words and figures as follows:

Add Subsection 5½ to Section 33 of the Charter to read as follows:

Sec. 33 (5½) Every retirement allowance payable by the Oakland Municipal Employees' Retirement System, for time commencing on the effective date of this section, hereby designated as the first day of July, 1953, or the first day of the month next following its approval by the Legislature, whichever is later, to or on account of any person who was retired prior to February 1, 1950, as a member of said system, is hereby increased by the amount of $25 00 per month, provided such member was entitled to be credited under the retirement system with at least twenty years of service upon which the retirement allowance was determined at retirement. If the member was entitled to be credited with less than twenty years of such service, said monthly increase shall be an amount which shall bear the same ratio to $25.00 that the service with which the member was entitled to be credited at the effective date of retirement bears to twenty years. This section does not give any member retired prior to the effective date hereof, or his successors in interest, any claim against the City for any increase in any retirement allowance paid or payable for time prior to said effective date. If a member elected at retirement to have his retirement allowance modified under Options 2 or 3, provided by Ordinance 713 C.M.S. and if his beneficiary is living on said effective date, the increase in his allowance shall be modified under the option elected at retirement, and on the basis of current ages, mortality tables and interest rate. If the beneficiary of such a person who elected at retirement to have his allowance modified under one of said options is not living on said effective date, or if the retired member is not living on said effective date and the beneficiary is receiving the modified retirement allowance, then the allowance shall be increased as provided herein for persons who did not elect an option.

Retirement allowance

The increase in the retirement allowance shall be apportioned between service rendered prior to the entry of the member into the retirement system and service rendered as a member, in the same proportion that such prior and current service, respectively, bears to the total service credited at retirement. Contributions to the retirement system necessary for the payment of the portion of the increases in the retirement allowances provided in this section, which are based on service as members, shall be provided from reserves held by the Retirement System to meet the obligations on account of benefits that have been granted and on account of prior service of members. If, however, the City's contributions on account of service rendered as members, has been changed from an amount equal to members' contributions to an amount derived by applying a percentage to earned compensation of members, contributions to the retirement system necessary for the payment of the in-

creases in the retirement allowances provided in this section, shall be provided, with respect to the portion of the increase based on service rendered as members, from the reserves held by the retirement system on account of miscellaneous members, the necessary amount being transferred upon said effective date, from said reserves to the reserves held by the retirement system to meet the obligations on account of benefits that have been granted and on account of prior service of members. The contribution then being required of the City, as a percentage of salaries of persons who are members of the system, shall be increased by such increase in the percentage as is determined by the actuary as necessary to replace the reserves to be transferred. Contributions to the retirement system necessary for the payment of the portion of said increases based on service rendered prior to membership in the retirement system, shall be paid to the system by the City in annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said portion of the increases.

Add Section 97e to the Charter to read as follows:

Inspector, Fire Prevention Bureau

Sec. 97e. Notwithstanding any other provisions of this Charter to the contrary, there is hereby created in the Fire Department the rank of Inspector, Fire Prevention Bureau. The annual compensation for said rank shall be not less than $4,920.00, which shall be paid in equal monthly installments. Appointments to said rank shall be made in accordance with the provisions of Civil Service from the rank of Hoseman. The City Council may create such number of positions of the rank of Inspector, Fire Prevention Bureau, as the necessity of the City may require. For promotional purposes, the rank of Inspector, Fire Prevention Bureau, shall be equivalent to the rank of Hoseman, Chief Operator or Engineer. Hosemen employed in the Fire Prevention Bureau at the time this amendment becomes effective, shall thereafter hold the rank of Inspector, Fire Prevention Bureau, and shall be so classified by the Civil Service Board without further examination.

Add Section 96¾ to the Charter to read as follows:

Policewomen in the police department

Sec. 96¾. Notwithstanding any other provisions of this Charter to the contrary, the position of Matron and Substitute Matron provided for in this Charter shall be, from and after the approval of this amendment by the State Legislature, designated as Policewomen in the Police Department, and the Council shall have the power to fix the compensation thereof. All persons employed in the position of Matron and Substitute Matron upon said effective date of this amendment shall thereafter hold the rank of Policewomen without examination and without loss of any of their civil service and retirement rights. The provisions of this section are for the purpose of eliminating the positions heretofore designated as Matron and Substitute Matron, and creating said positions in the Police Department under the designation Policewomen with all rights thereunder.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Oakland with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true and correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the said City of Oakland to be affixed hereto this 26th day of May, 1953.

(SEAL)

CLIFFORD E. RISHELL
Mayor of the City of Oakland
CHARLES M. DON
City Clerk of the City of Oakland

WHEREAS, the said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article I of the Constitution of the State of California; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Oakland as proposed to, and adopted and ratified by the electors of the said City, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of the said City of Oakland. Approval

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CHAPTER 198

Assembly Concurrent Resolution No. 113—Approving the charter amendments to the charter of the City of Albany, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of November, 1952.

[Filed with Secretary of State, June 9, 1953.]

WHEREAS, The City of Albany, in the County of Alameda, State of California, contains a population in excess of 3,500 inhabitants, and has been ever since the year 1927, and now is organized and acting under a charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at a special municipal election held for that purpose on the twenty-sixth day of March, 1927, and approved by the Legislature of the State of California (Statutes 1927, Chapter 53, Page 2312); and City of Albany: Charter amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of the

City of Albany, as set out in the certificate of the mayor and the city clerk of said City of Albany, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF ALBANY AT A MUNICIPAL ELECTION HELD ON THE 4TH DAY OF NOVEMBER, ONE THOUSAND NINE HUNDRED AND FIFTY-TWO, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF ALBANY, STATE OF CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF ALAMEDA } ss.
CITY OF ALBANY

Certificate

We, Lewis Howell, Mayor of the City of Albany, and Myrtle J. McLean, City Clerk of the City of Albany do hereby certify as follows:

That said City of Albany, in the County of Alameda, State of California, is now and was at all times herein mentioned, a City containing more than Thirty-five Hundred inhabitants and less than Fifty Thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Albany is now and was at all times herein mentioned organized and existing under a Charter adopted under the provisions of Section Eight, of Article Eleven of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at a special municipal election held therein on the 26th day of March, 1927, and approved by the Legislature of the State of California (Statutes 1927, Chapter 53, Page 2312), and by resolution of said Legislature filed with the Secretary of State of the State of California on the 19th day of April, 1927 (Statutes 1927, Chapter 53, Page 2312); and

Pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the State of California, the Legislative Body of said City, namely: The City Council of said City did on its own motion and pursuant to the provisions of Section Eight, of Article Eleven of the Constitution of the State of California, duly propose to the electors of said City of Albany certain amendments to the Charter of said City; and ordered that said amendments be submitted to said electors of said City at a special municipal election to be held in said City on the 4th day of November, 1952; and

That said proposed amendments were, on the 19th day of September, 1952, duly published in the "Albany Times", a newspaper of general circulation, published in the City of Albany, and the official newspaper designated by said City Council for that purpose, and in each edition thereof;

That said City Council did by Resolution designated as Resolution No. 1711 A.N.S., which was duly adopted on the 3rd day of September, 1952, call for and give notice of a special municipal election in the City of Albany on the 4th day of

November, 1952, which date was more than forty (40) days and less than sixty (60) days after the completion of the publication of said proposed amendments to the Charter of the City of Albany, as aforesaid; and

That said special municipal election was held in the said City on said 4th day of November, 1952, which date was more than forty (40) days and less than sixty (60) days after said proposed amendments to said Charter had been published in said "Albany Times", as aforesaid; and

That at said special municipal election held as aforesaid, on said 4th day of November, 1952, a majority of the voters voted in favor of one of said proposed amendments, as hereinafter set forth, to the Charter of the City of Albany and duly ratified the same; and

That the City Council of the City of Albany, after duly canvassing the returns of said regular municipal election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters voting thereon, had voted in favor of and ratified said proposed amendment to the Charter of the City of Albany, which amendment is in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT NO. 3

That Sub-section (o) of Section 49 of the Charter be amended as follows:

"Sub-section (o) of Section 49, Qualifications: Every appointee of the Police Department must have the same qualifications as set out in Sub-section (k) of Section 49 of this Charter for appointees of the Fire Department except that such appointee need not be a bona fide resident and elector of the City of Albany provided that such appointee resides not more than seven road miles from the intersection of San Pablo and Solano Avenues, Albany, California. Police department

That the foregoing is a full, true and correct copy of said proposed amendment to the Charter of the City of Albany, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Albany.

IN WITNESS WHEREOF, Lewis Howell, Mayor, as aforesaid, and Myrtle J. McLean, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Albany to be thereunto duly affixed, on this 25th day of May, 1953.

LEWIS M. HOWELL
(SEAL) Mayor of the City of Albany
MYRTLE J. MCLEAN
City Clerk of the City of Albany

Prepared and approved by:
Edward R. Plotner, City Attorney
of the City of Albany

WHEREAS, Said proposed amendments so ratified as hereinbefore set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Albany as submitted to, and adopted and ratified by the qualified electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of Albany.

CHAPTER 199

Senate Joint Resolution No. 45—Relative to memorializing the Secretary of Defense of the United States and other officials and agencies authorized to act in the matter in relation to the enlistment in and strength of the California National Guard and California Air National Guard and the national manpower pool.

[Filed with Secretary of State, June 10, 1953.]

Enlistment age for National Guard

WHEREAS, The Assistant Secretary of Defense for Manpower and Personnel has submitted a recommendation to the Secretary of Defense that the several states be denied the right to enlist in the National Guard young men before attaining the age of 18 years and 6 months and thereby secure for them a classification of 1D and deferment from Selective Service; and

WHEREAS, Said recommendation is based upon the assumption, not supported in fact, that veterans returning to civilian status and who possess a reserve obligation to serve in a civilian component of the Armed Forces, will provide an adequate manpower pool for the National Guard; and

WHEREAS, The Governor has declared by proclamation that the California National Guard and California Air National Guard cannot be maintained at the necessary strength unless the said deferment from Selective Service is extended to the said young men and that the returning veterans will not provide an adequate manpower pool for the National Guard; and

WHEREAS, The approval of said recommendation will remove the last source of manpower available for recruitment in the National Guard and will thereby permanently jeopardize and injure the National Guard which has been an accepted democratic institution for over 300 years; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Secretary of Defense of the United

States to disapprove the recommendation of the Assistant Secretary of Defense for Manpower and Personnel that the several States be denied the right to enlist in the National Guard young men before attaining the age of 18 years and 6 months and thereby secure for them a classification of 1D and deferment from Selective Service; and be it further

Resolved, That the Legislature of the State of California further respectfully memorializes the Secretary of Defense and all other officials and agencies possessing authority to act in the premises to continue the present indispensable authority granted to the several States to by proclamation of the Governor recruit young men before attaining the age of 18 years and 6 months for enlistment in the National Guard and to reserve for them a classification of 1D and appropriate deferment from Selective Service; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Defense and the Assistant Secretary of Defense for Manpower and Personnel.

CHAPTER 200

Assembly Concurrent Resolution No. 62—Relative to the exemption of orchard trailers from vehicle registration requirements.

[Filed with Secretary of State, June 10, 1953.]

Orchard trailers

WHEREAS, Section 142 of the Vehicle Code contains an enumeration of types of vehicles which are deemed to be "implements of husbandry" and thus exempt from vehicle registration requirements if only incidentally operated or moved over a highway; and

WHEREAS, It is expressly stated in said section that the enumeration therein is illustrative only and not a list of limitations; and

WHEREAS, It is, and always has been, the intention of the Legislature that orchard trailers be included as implements of husbandry within the meaning of Section 142 of the Vehicle Code; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Motor Vehicles be requested to consider orchard trailers as being included within the term "implement of husbandry" as used in Section 142 of the Vehicle Code and to extend to such vehicles the exemption from the registration requirements provided in said section; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Honorable A. H. Henderson, Director of Motor Vehicles.

CHAPTER 201

Assembly Concurrent Resolution No. 75—Relating to the use of undercover license plates for vehicles of law enforcement agencies.

[Filed with Secretary of State, June 10, 1953.]

License plates on law enforcement vehicles

WHEREAS, The Legislature has authorized the issuance of ordinary license plates for certain vehicles which are operated by local, state, and federal law enforcement agencies, rather than requiring such vehicles to be equipped with the special series license plates that are issued for governmental vehicles in general; and

WHEREAS, It was the intention of the Legislature that ordinary license plates be issued for such vehicles only in situations where their use is essential to an adequate law enforcement program, and to that end the Legislature has directed the Attorney General to approve applications for the use of ordinary plates only when he has found a definite need exists; and

WHEREAS, The Attorney General, relying on the advice of the particular agency involved, has never questioned the need of any applicant for such plates; and

WHEREAS, It has come to the attention of the Legislature that various agencies have abused this privilege by obtaining ordinary license plates for some of their vehicles which are not necessary for law enforcement programs; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Attorney General is hereby urged to analyze more carefully the need of any agency for the use of ordinary license plates, and to adopt a more stringent policy in approving the application of any agency so that the use of such plates will be restricted to those vehicles only which are necessary for law enforcement purposes; and be it further

Resolved, That the Attorney General is requested to reexamine the certificates that have been issued authorizing the use of private license plates and advise the Director of Motor Vehicles of those certificates found to have been issued where no definite need exists for such plates; and be it further

Resolved, That the Director of Motor Vehicles is requested to cancel the private license plates issued under those certificates found by the Attorney General to have been given where no definite need exists; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to send copies of this resolution to the Attorney General and to the Director of Motor Vehicles.

CHAPTER 202

Assembly Concurrent Resolution No 116—Approving four certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State

of California, voted for and ratified by the electors of said city at a general municipal election held therein on the twenty-sixth day of May, 1953.

[Filed with Secretary of State, June 10, 1953]

WHEREAS, Proceedings have been taken and had for the adoption and ratification of four amendments, hereinafter set forth, to the charter of the City of Los Angeles, a municipal corporation in the County of Los Angeles, State of California, as set out in the certificate of the president of the city council and the city clerk of said city, as follows: City of Los Angeles Charter amendments

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
City of Los Angeles

We, Harold A. Henry, President of the Council of The City of Los Angeles, and Walter C. Peterson, City Clerk of The City of Los Angeles, do hereby certify and declare as follows: Certificate

That said, The City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than one million seven hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

That in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, the Council of The City of Los Angeles, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of The City of Los Angeles certain proposals for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain general municipal election held on the 26th day of May, 1953, which said proposals were designated as proposed charter amendments 1, 2, 3, 4, and 5, respectively.

That on the 15th day of April, 1953, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of April 15, 1953, in "The Los Angeles Daily Journal and The Los Angeles News," a daily newspaper

of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from April 15, 1953, to and including May 26, 1953; and a notice was advertised and published on and from April 15, 1953, to and including May 26, 1953, in "The Los Angeles Daily Journal and The Los Angeles News," a newspaper of general circulation in said City, that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a general municipal election held on May 26, 1953, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon each of the proposed charter amendments numbers 2, 3, 4, and 5 voted in favor thereof and adopted and ratified the same, and proposed charter amendment number 1 received less than a majority of the votes of the qualified electors voting thereon and was not adopted nor ratified; as appears by the official canvass of the returns thereof by the City Clerk of The City of Los Angeles, heretofore certified by him to the Council of said City, and the declaration of the Council of the said The City of Los Angeles, which pursuant to law met on June 3, 1953, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said City Clerk.

That the said amendments to the Charter of The City of Los Angeles, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

Proposed Charter Amendment No. 2

Section 85 of the Charter of The City of Los Angeles is amended to read as follows:

Department heads' salaries

Sec. 85. Except in the Department of Airports, the Harbor Department and the Department of Water and Power, the Council shall by ordinance fix the salary of the general manager or chief administrative officer of each department of the City Government, whether designated as the general manager thereof or otherwise. The salary therefor as fixed by the Council shall be the salary of such general manager or chief administrative officer of each of said departments and shall be included

in any budget adopted for the expenditures of any such department.

There shall be excluded from the operation of this section any salary or compensation the amount of which is fixed in this Charter. Except as herein stated otherwise, this section shall apply as herein provided in all instances notwithstanding any other provision of this Charter.

Proposed Charter Amendment No. 3

Section 36 of the Charter of The City of Los Angeles is repealed and Section 70 thereof amended, and Article XXV is added to said Charter to read as follows:

Departments

Sec. 70. The following departments of the city government are hereby created:

Airports,
Building and Safety,
City Planning,
Civil Service,
Fire,
Harbor,
Health,
Humane,
Library,
Municipal Art,
Pension,
Police,
Public Utilities and Transportation,
Public Works,
Recreation and Parks,
Social Service,
Traffic,
Water and Power.

Article XXV.

Department of Traffic.

Department of Traffic

Duties

Sec. 245. The function of the Department of Traffic is the study of traffic and related matters including the effect of laws and regulations relating to traffic, securing information upon such subjects and providing information to the various departments and offices of the City concerning traffic accidents, congestion, lighting, and other conditions affecting the safe and convenient use of streets and other public ways for travel

Except as otherwise provided in this Charter the Department of Traffic shall have authority over the location, installation and maintenance of all signs, signals, parking meters, and other traffic control devices, provided however, that the authority conferred by this section shall not be construed to abridge the power of the Council to order any work or improvement that may affect or involve any of the aforesaid matters.

Ordinances

Sec. 246. No ordinance regulating the manner of the use of public streets and other public ways for travel, including the use and operation of vehicles or the placing of obstructions thereon, or ordinance enacted in the exercise of any other power relative to traffic conferred upon local authorities by any law, shall be adopted unless such ordinance shall have first been submitted to and approved by the Board of Traffic Commissioners or unless adopted by a vote of at least two-thirds of the members of the Council in favor thereof. Failure on the part of the board to disapprove a proposed ordinance within ninety days from the receipt thereof shall be deemed an approval by the board. Nothing in this section shall be construed to restrict or otherwise affect the granting of franchises as elsewhere provided in this Charter, nor shall any of the provisions of this section apply to the routing or rerouting of street cars or motor bus lines or abridge the power of the Council to order any work or improvement as elsewhere provided in this Charter.

Emergency rules

Sec. 247. The Board of Traffic Commissioners may by resolution, which shall become effective when published once in a newspaper of general circulation in the city, adopt rules regulating the use of the public streets or other public ways for travel, including parking or other use of vehicles thereon, when determined by the board to be necessary to meet an emergency The violation of any such rule, if so declared by the board in the resolution adopting it, shall be a misdemeanor and shall be punishable by imprisonment in the city jail for a period not exceeding six months or by a fine not exceeding five hundred dollars ($500.00), or by both such fine and imprisonment. No rule adopted under the authority of this section shall remain in force longer than thirty days unless incorporated into an ordinance.

The board is authorized to submit to the Council ordinances for adoption, relating to traffic, which must be adopted or rejected by the Council within ninety days from the receipt thereof.

General manager

Sec. 248. The General Manager of the Department of Traffic shall be exempt from Article IX of this Charter and, notwithstanding any other provision, he shall be appointed by the Mayor in the following prescribed manner upon nomination by the Board of Traffic Commissioners, subject to confirmation by the Council, and may be removed by the Mayor, subject to approval of the Council, or by the Council on its own motion by a two-thirds vote of the entire membership

The Board of Traffic Commissioners shall select a qualified person for appointment to the office of General Manager, and nominate him to the Mayor for appointment as hereinabove provided In the event such person is not appointed, the board shall select and nominate, in the same manner, another qualified person and continue so to do until an appointment is made.

Principal traffic engineer and consultant

Sec. 249. The position of Principal Traffic Engineer and Consultant is hereby created. The salary attached to such position shall at all times while this section is in effect be the same

as that provided for the General Manager of the Department of Traffic.

If at the time this section takes effect there is a Principal Street Traffic Engineer who has been continuously employed in said position for a period of three years, he shall be deemed qualified to be appointed as and shall be, within the Classified Civil Service of the City, the Principal Traffic Engineer and Consultant as provided for in this section.

This section shall cease to be of any force or effect whatsoever and the position of Principal Traffic Engineer and Consultant created hereby shall be abolished if, (a) no person becomes Principal Traffic Engineer and Consultant solely by virtue of having been continuously employed in the position of Principal Street Traffic Engineer for a period of three years prior to the effective date of this section, or, (b) in the event a person so becomes Principal Traffic Engineer and Consultant solely by virtue of having been employed as aforesaid and thereafter ceases to occupy said position by reason of death, discharge, resignation or is disqualified from further occupying said position from any cause.

Board of Traffic Commissioners

Sec. 250. The members of the Board of Traffic Engineering Commissioners in office at the effective date of this section shall reorganize as the Board of Traffic Commissioners, and each shall hold office for a period equivalent to the balance of his then unexpired term as a member of the Board of Traffic Engineering Commissioners. Except as otherwise provided in this Article the various positions in the Department of Traffic Engineering at the time this section takes effect and the employees occupying such positions at said time are hereby transferred to the Department of Traffic without impairment of civil service status.

Proposed Charter Amendment No. 4

Section 71 of the Charter of The City of Los Angeles is amended to read as follows:

Department boards

Sec. 71. Said above named departments shall each be under the control and management of a board of five commissioners. Each said board shall be known as the Board of (insert name of department placed under its control and management) Commissioners, and the members of each such board shall be known as the commissioners of their department. Any such board may be referred to as a citizen board. An attendance fee of Ten Dollars ($10.00) per meeting attended, not exceeding One Hundred Dollars ($100.00) in any calendar month to any member, shall be paid to each member of any said boards; except that as to the Department of Airports, Harbor Department and Department of Water and Power said attendance fee shall be Twenty-five Dollars ($25.00) per meeting attended, not exceeding Two Hundred Fifty Dollars ($250.00) in any calendar month.

PROPOSED CHARTER AMENDMENT No. 5

Subdivision 5 of Section 42 of the Charter of The City of Los Angeles is amended to read:

City attorney records

(5) The City Attorney shall keep in his office proper books of record and registry of all actions and proceedings in his charge in which the City or any officer or board is a party or is interested, and copies of all written opinions given by him to any officer, board or department. All other papers, records and files otherwise required to be preserved may be disposed of in the manner provided by law.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct, complete and exact copies thereof, and of each of them.

That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and have caused the corporate seal of The City of Los Angeles to be affixed hereto this 3rd day of June, 1953.

(SEAL)

HAROLD A. HENRY
President of the City Council of The City of Los Angeles
WALTER C. PETERSON
City Clerk of The City of Los Angeles

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved, by the Assembly of the State of California, the Senate thereof concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of the said the City of Los Angeles.

CHAPTER 203

Assembly Constitutional Amendment No 54—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section

1½ of Article XIII thereof, relating to the tax exemption of church property.

[Filed with Secretary of State, June 10, 1953.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1953 Regular Session commencing on the fifth day of January, 1953, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 1½ of Article XIII thereof, to read:

Constitution. Amendment Sec 1½ of Art XIII re church tax exemption

SEC. 1½. All buildings and equipment, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship, and any building and its equipment in the course of erection, together with the land on which it is located as may be required for the convenient use and occupation of the building, if such building, equipment and land are intended to be used solely and exclusively for religious worship, shall be free from taxation; provided, that no building so used or, if in the course of erection, intended to be so used, its equipment or the land on which it is located, which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation.

CHAPTER 204

Assembly Joint Resolution No. 8—Relative to the transfer and conveyance to Joint Highway District No. 26 of the State of California of real property belonging to East Bay Regional Park District.

[Filed with Secretary of State, June 10, 1953.]

WHEREAS, Joint Highway District No. 26 of the State of California is a public corporation, organized and existing under and by virtue of the laws of the State of California, for the purpose of constructing public highways including, particularly, a public highway along the general route of Mountain Boulevard, in the City of Oakland, County of Alameda, State of California, from State Highway Route No. 75 near Lake Temescal in Oakland, California, to State Highway No. 5 near Diehl Avenue, in San Leandro, California; and

Joint Highway District No 26

WHEREAS, East Bay Regional Park District of the State of California, a public corporation, owns certain real property consisting of approximately one-third of an acre which real property is situated within the right of way of a public highway being constructed by said Joint Highway District No. 26 and said real property is necessary for the uses and purposes of said Joint Highway District No. 26; and

WHEREAS, A resolution of intention to transfer and convey to said Joint Highway District No. 26 said real property belonging to said East Bay Regional Park District was duly and regularly adopted on the eighteenth day of December, 1951, by unanimous vote of the board of directors of said district; and

WHEREAS, Said resolution, being Resolution No. 1263, specifically describes the property to be so transferred and conveyed; and

WHEREAS, In the opinion of the board of directors of said East Bay Regional Park District said real property is unnecessary for the purposes of said district and said property has been sold to said Joint Highway District No. 26 of the State of California, subject to authorization by joint resolution of this Legislature, in accordance with the provisions of Section 5540 of the Public Resources Code of the State of California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the transfer and conveyance to Joint Highway District No. 26 of the State of California, a public corporation, of the property specifically described in the resolution of intention, adopted by unanimous vote of the Board of Directors of East Bay Regional Park District of the State of California, a public corporation, be and the same hereby is authorized.

CHAPTER 205

Assembly Concurrent Resolution No. 84—Relative to merit awards to state employees.

[Filed with Secretary of State, June 10, 1953.]

State merit awards

WHEREAS, Section 13926 of the Government Code provides awards may be made to state employees in excess of one hundred dollars ($100) when such awards are approved by concurrent resolution of the Legislature; and

WHEREAS, The maximum award of one hundred dollars ($100) has already been made to Edward J. Horton, senior accountant of the State Franchise Tax Board, for a suggestion which will effect a saving of six thousand four hundred dollars ($6,400) annually through the elimination of eight junior clerk positions, temporarily employed for a period of four months each year; and

WHEREAS, The maximum award of one hundred dollars ($100) already has been made to Douglas C. McCready, supervising tabulating machine operator of the Department of Employment, for a suggestion that will result in an annual saving of one thousand nine hundred seventy-two dollars ($1,972) through an improved method of handling wage record statistical reports; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That an additional award of five

hundred forty dollars ($540) to Edward J. Horton, senior accountant, Franchise Tax Board, and an additional award of ninety-seven dollars ($97) to Douglas C. McCready, supervising tabulating machine operator of the Department of Employment is hereby authorized subject to the approval of the State Board of Control; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Board of Control and to the State Controller.

CHAPTER 206

Assembly Concurrent Resolution No. 107—Relative to Public Utilities Commission policies on transportation.

[Filed with Secretary of State, June 10, 1953]

WHEREAS, In recent years there has been tremendous population and economic growth in the State of California; and Transportation policies

WHEREAS, Never before has it become so important that there be economic and efficient transportation of commodities within the State; and

WHEREAS, Transportation is a most essential factor in the economic welfare of the State and it is most important that farm products be delivered to dispensing centers with efficiency and dispatch; and

WHEREAS, There is an additional burden on transportation facilities at the present time caused by the hostilities in Korea and a great percentage of necessary implements of war must be delivered to our ports of embarkation; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Public Utilities Commission is hereby requested to re-examine the entire transportation industry in the State of California and to adopt such policies, together with their implementation which will insure reasonable, efficient and dependable service to the shippers and to the general public.

CHAPTER 207

Assembly Joint Resolution No. 35—Relative to permitting recipients of aid to the aged to earn fifty dollars ($50) per month in addition to such aid.

[Filed with Secretary of State, June 11, 1953]

WHEREAS, In 1950 the Congress of the United States amended the Social Security Law to provide that the first fifty dollars ($50) per month of income earned by a blind person shall be disregarded in computing aid to such person, Aid to aged

thereby allowing a blind person to earn this amount in addition to his aid; and

WHEREAS, Bills presently before the Congress would extend this same benefit to recipients of aid to the aged; and

WHEREAS, It is the belief of the Legislature of the State of California that there is an abundance of odd jobs and temporary employment in this State that could be capably filled by aged persons; and

WHEREAS, The present public assistance program discourages these aged persons from seeking such employment by requiring that any and all earnings be deducted from their aid; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation permitting recipients of aid to the aged to earn fifty dollars ($50) a month, such amount not to be taken into consideration in computing aid to such recipients; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the presiding officer of each of the houses of the Congress, and to each Senator and Representative from California in the Congress of the United States and that such Senators and Members of the House of Representatives from California are respectfully urged to support such legislation.

CHAPTER 208

Assembly Concurrent Resolution No. 121—Relative to congratulating Assemblyman Laughlin E. Waters.

[Filed with Secretary of State, June 11, 1953.]

Laughlin E. Waters

WHEREAS, The appointment of Assemblyman Laughlin E. Waters as United States Attorney for the Southern District of California has been announced by the President of the United States; and

WHEREAS, The Members of the Legislature desire to congratulate their colleague, Laughlin E. Waters, on this honor; and

WHEREAS, Assemblyman Waters was born in Los Angeles and graduated from the University of California at Los Angeles and the University of Southern California, receiving A.B. and LL.B. degrees; and

WHEREAS, He served with distinction during World War II as a captain in the 90th Infantry Division of the United States Army; and

WHEREAS, He has been a Member of the Assembly since 1946, having been elected in 1946 and re-elected in 1948, 1950, and 1952, during which time he served as Chairman of the Com-

mittee on Elections and Reapportionment and as a member of many other important committees; and

WHEREAS, He is the present Chairman of the Republican State Central Committee and a member of the Republican National Committee, and has played an important role in the activities of the Republican Party; and

WHEREAS, Although the Members of the Legislature sincerely regret his leaving the Assembly, they feel that he will make an excellent United States Attorney; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature hereby extend their congratulations to Assemblyman Laughlin E Waters and their best wishes for his continued success; and be it further

Resolved, That the Chief Clerk of the Assembly prepare a suitably engrossed copy of this resolution for presentation to Assemblyman Laughlin E. Waters.

CHAPTER 209

Senate Joint Resolution No. 36—Memorializes Congress and the President of the United States to restore the Gold Standard and increase the price of gold.

[Filed with Secretary of State, June 10, 1953]

Restoration of Gold Standard

WHEREAS, By constitutional provision, mining was made the paramount industry of the State of California; and

WHEREAS, The industry and well-being of many communities in the State of California and the western United States have been seriously impaired due to the present price of gold, established in the year 1934 and since maintained regardless of the increase in the commodity price index and cost of living since the year 1939; and

WHEREAS, The cost of labor and all other commodities, especially such costs as enter into the production of gold, have increased 100 percent or more; and

WHEREAS, The purchasing power of the dollar has decreased to approximately one-half of what it was in 1939; and

WHEREAS, We believe that to stabilize the currency of the Nation it will be necessary to return to the Gold Standard, with a price for gold at a comparable dollar value; and

WHEREAS, Our Country does not have a Gold Standard, with gold and the dollar interchangeable at a fixed ratio; and

WHEREAS, The living standards of our Country have been lowered and are being lowered continuously by unwarranted inflation of the Country's currency; and

WHEREAS, The restoration of the Gold Standard with gold and the dollar freely interchangeable at a fixed ratio would stabilize all living costs including the cost of labor, materials

and commodities as well as the operation of our government; and

WHEREAS, All restrictions on the purchase, sale and ownership of gold by American citizens should be removed, in view of the demand for and the price of gold in all foreign countries, in order that gold may seek a natural level to be ascertained by actual sales; and

WHEREAS, It is advisable for our government in the best interests of our national economy to not only maintain the present price of thirty-five dollars ($35) per ounce for gold, but to establish a price for gold based upon the present purchasing power of the dollar, which would indicate a price level more than double the price established in the year 1934 and the commodity price index of the year 1939; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President and the Congress of the United States be respectfully requested to restore the Gold Standard at the earliest practicable time and that the price of gold be re-established at a price consistent with its present cost of production and the purchasing power of our inflated currency dollar; be it further

Resolved, That the Secretary of the Senate of the State of California be authorized and directed to transmit properly certified copies of this resolution to the President of the Senate; the Speaker of the House of Representatives and the representatives of the State of California in the Congress of the United States.

CHAPTER 210

Senate Concurrent Resolution No. 33—Relative to the designation and appointment of Gordon W. Norris as Poet Laureate of California.

[Filed with Secretary of State, June 10, 1953.]

Gordon W. Norris, poet laureate

WHEREAS, It is a fitting custom that California recognize with the honorary office of Poet Laureate some person eminently qualified to express in verse the romantic beauty of our Golden State, which office is now vacant; and

WHEREAS, Gordon W. Norris, in addition to being a nationally recognized poet, has, among his published works, a volume entitled "Golden Empire," a Ballad of Three Centennials (1948-1949-1950), written in celebration of California's three centennial years; and

WHEREAS, Gordon W. Norris is a second generation native son, his grandparents having come to California in a covered wagon in 1849; and

WHEREAS, He has been widely acclaimed for his poetry and the reading thereof, both before small groups and over the radio, and his poetry appeals not only to other poets and lit-

erati but to the people—to business and professional men who have not hitherto been poetically inclined; and

WHEREAS, He is recommended by numerous persons and the officers and members of many cultural groups and organizations, who have requested his appointment as Poet Laureate of this State; and

WHEREAS, Having given his life to poetry, and having dedicated the major portion of his writing to his native State, his sponsors feel that she, in turn, should recognize and honor him with the laureateship; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Gordon W Norris is hereby designated and appointed Poet Laureate of California.

CHAPTER 211

Senate Concurrent Resolution No. 64—Relative to the preservation of "California, Paradise in Panorama," a relief map of California.

[Filed with Secretary of State, June 10, 1953.]

WHEREAS, There now resides in the Ferry Building in San Francisco a relief map of the State of California, officially titled "California, Paradise in Panorama," which is the largest, most nearly perfect topographical reproduction in existence; and "California, Paradise in Panorama"

WHEREAS, This relief map, unveiled in 1924 after three years of planning and 14 months' construction by 25 craftsmen, is a leading attraction to both tourists and California residents; and

WHEREAS, It appears to be the present plan to destroy this wonder in order to make space available for the office and display rooms of the World Trade Center; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature requests the Department of Finance, the Board of State Harbor Commissioners, the San Francisco World Trade Center Authority, the California State Chamber of Commerce, the State Division of Mines, the Mayor of the City and County of San Francisco and the Board of Supervisors of the City and County of San Francisco to consider and publicize the problem of finding a new and suitable location for this relief map in the City and County of San Francisco; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Director of Finance, to each member of the Board of State Harbor Commissioners, to the President of the San Francisco Chamber of Commerce, to the Chairman of the San Francisco World Trade Center Authority, to the President of the California State Chamber of Commerce, to the State Mineralogist, to the Mayor of the City and County of San Francisco, and to each member of the Board of Supervisors of the City and County of San Francisco.

CHAPTER 212

Senate Concurrent Resolution No. 79—Relative to the establishment of a recreational and wild life program for the areas along the Colorado River.

[Filed with Secretary of State, June 10, 1953.]

Colorado River recreational areas

WHEREAS, The portion of the State of California which lies along the Colorado River is varied in nature and topography and presents excellent opportunities for the development of varying recreational facilities; and

WHEREAS, The different areas along the Colorado River are susceptible to development and utilization for different types of recreational activities, some being most suitable for fishing, some for hunting, some for camping, and some for park and other purposes; and

WHEREAS, The full realization of the recreational advantages offered by the Colorado River areas can best be attained by a comprehensive program for the development and utilization of each area for the recreational activity to which it is best suited; and

WHEREAS, There is a need for a unified approach to the whole problem of utilizing the natural recreational facilities of these areas to the best advantage through a well-rounded recreational program under which each area is to be devoted to the purpose for which it is best fitted; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Fish and Game Commission and the State Park Commission are requested to arrange for and hold, as soon as possible, a meeting of said commissioners with representatives of the Fish and Wildlife Service of the Department of the Interior of the United States for the purpose of working out a general program for the development of the recreational resources of the areas along the Colorado River to the end that each area will be assigned to that phase of recreational activity to which it is most adaptable in order to assure the maximum benefits to the people; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the members of the Fish and Game Commission, the members of the State Park Commission, and to the Director of the Fish and Wildlife Service in the United States Department of the Interior.

CHAPTER 213

Senate Concurrent Resolution No. 86—Relative to congratulating the "Statesmen" of Sacramento and the "San Diego Serenaders" on being chosen to represent the Far Western District of the Society for the Preservation and Encouragement of Barber Shop Singing at the finals.

[Filed with Secretary of State, June 10, 1953]

"Statesmen" and "San Diego Serenaders"

WHEREAS, Twelve years ago, O C. Cash, a lawyer in Tulsa, Oklahoma, organized the Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America, Incorporated; and

WHEREAS, Men, and an increasing number of women, enjoy singing barber shop harmony, a truly American art form, for a variety of reasons, among which is the fact that barber shop harmony affords a common meeting ground for individual expression, yet gives one the satisfaction of being an integral part of a complete picture; and

WHEREAS, Barber shop quartet singing attracts not only the "old timers" but has become very popular in the high schools and colleges, for age or occupation makes no difference—the banker puts aside his cares, and the factory worker forgets his machines, as he joins with others who have become afflicted with "barbershopitis"; and

WHEREAS, The Far Western District of the Society has recently conducted its annual contest to determine the quartets which will represent the district in the national finals, to be held in Detroit in June; and

WHEREAS, Out of the many excellent groups participating in the contest the "Statesmen" of Sacramento and the "San Diego Serenaders" were chosen as the Far Western Regional Champions for 1953 and they will represent the district at the national finals; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Legislature extends its heartiest congratulations to the "Statesmen" of Sacramento, Jack Gilstrap, Harry DuVall, Donald Machado, and Elmer Schulz and the "San Diego Serenaders," Chester Hodapp, Bud Bolyle, Joe White, and Bill Manthei, on being chosen to represent the Far Western District at the national finals; and be it further

Resolved, That the Legislature of the State of California wishes the "Statesmen" and the "San Diego Serenaders" success in the finals; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to have suitably prepared copies of this resolution, and to present a copy of the same to each member of the "Statesmen" and the "San Diego Serenaders."

CHAPTER 214

Senate Concurrent Resolution No. 88—Relative to the Tracy Diamond Jubilee Celebration.

[Filed with Secretary of State, June 10, 1953.]

Tracy Diamond Jubilee

WHEREAS, Establishment of a railroad division point in September of 1878 resulted in the founding of the City of Tracy; and

WHEREAS, The City of Tracy is celebrating its Diamond Jubilee on September 4 through September 7, 1953; and

WHEREAS, The entire State should join with the residents of the City of Tracy in commemorating its founding and counting its achievements; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California congratulates the City of Tracy upon its Diamond Jubilee; and be it further

Resolved, That the Legislature appoint a committee of three Senators, appointed by the President pro Tempore of the Senate, and three Assemblymen, appointed by the Speaker of the Assembly, to participate in the festivities of the Tracy Diamond Jubilee Celebration; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to the Mayor of the City of Tracy and to the Tracy Diamond Jubilee Committee.

CHAPTER 215

Senate Concurrent Resolution No. 89—Relative to making additional funds available to the Legislative Budget Committee, established by Chapter 1667, Statutes of 1951, for the purpose of making a study of the various retirement systems receiving state funds.

[Filed with Secretary of State, June 10, 1953.]

Study of state retirement systems

WHEREAS, The State of California provides various retirement systems for state employees, teachers, the judiciary, and constitutional officers, the costs of which have increased materially in recent years; and

WHEREAS, Numerous revisions in the benefit payments and contribution rates of these several systems have taken place without the benefit of a comprehensive study of the policy of the State with respect to all such retirement systems; and

WHEREAS, The providing of an equitable program for all beneficiaries of such state retirement systems and the proper expenditure of state funds for such purposes requires the making of a comprehensive study of the State's policy with respect to retirement benefits and the actuarial basis for both contributions and benefit payments; and

WHEREAS, There have been many additional liberalizations proposed for each of these retirement systems in the 1953 Session of the Legislature, the justification for which is largely based upon an accurate appraisal of existing benefits provided under such retirement systems; and

WHEREAS, There is, at the present time, insufficient money provided in the State Budget for an adequate actuarial study of the several retirement systems; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available to it, the sum of thirty-five thousand dollars ($35,000) or so much thereof as may be necessary is hereby appropriated from the Contingent Funds of the Senate and of the Assembly for the payment of any and all expenses incurred by the Legislative Budget Committee or its members pursuant to and under authority of the provisions of Joint Rule No. 37 to be expended equally from the Contingent Funds of the Senate and of the Assembly for the purpose of securing a study of the various retirement systems and the accumulation of actuarial data related thereto.

CHAPTER 216

Senate Concurrent Resolution No. 90—Relative to making additional funds available to the Legislative Budget Committee, established by Chapter 1667, Statutes of 1951, for the purpose of making a study of the post audit function of the State of California.

[Filed with Secretary of State, June 10, 1953]

WHEREAS, It has long been recognized that California State Government has been deficient in that it has lacked a post audit which is independent of the administration; and

Study of state post audit function

WHEREAS, Reorganization studies of California State Government have pointed out the need for establishing a method of reporting to the Legislature upon the adequacy of existing accounting and auditing procedures; and

WHEREAS, An adequate solution to this problem has been made impossible of achievement because of an inability to determine the proper relationship which should exist between the administrative responsibility for audit and the scope of the audit to be provided to the Legislature; and

WHEREAS, An examination and testing of the adequacy of the existing accounting and auditing procedures should provide a sound basis for determining the extent of the audit which should be provided to the Legislature and as to whether it should be on a permanent basis; and

WHEREAS, The Joint Legislative Budget Committee would provide the most suitable means for the employment of public accountants to make an examination of existing procedures and

a review of the basis upon which the Legislature should receive a regular post audit report on the administration; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available to it, the sum of sixty thousand dollars ($60,000) or so much thereof as may be necessary is hereby appropriated from the Contingent Funds of the Senate and of the Assembly for the payment of any and all expenses incurred by the Legislative Budget Committee or its members pursuant to and under authority of the provisions of Joint Rule No. 37 to be expended equally from the Contingent Funds of the Senate and of the Assembly for the purpose of such a study.

CHAPTER 217

Senate Concurrent Resolution No. 91—Relative to establishing a state park near Clear Lake Highlands.

[Filed with Secretary of State, June 10, 1953]

State park at Clear Lake

WHEREAS, The Redwood Empire's Clear Lake in Lake County is the largest body of water entirely within the confines of the State of California, its 105-mile shoreland being indented with quiet inlets and studded with sandy beaches; and

WHEREAS, Clear Lake is readily accessible to the great population areas of the San Francisco Bay region and the Sacramento Valley, and is endowed by nature with an enviable climate which permits the lake area to be used for many recreational purposes the year round; and

WHEREAS, The steadily growing number of persons who are enjoying Clear Lake's facilities, accompanied by the improvement of highways leading to this wonderland, is rapidly making Clear Lake an increasingly popular recreational area; and

WHEREAS, Many private interests, spurred by natural desires to obtain beautiful recreational areas for themselves, are acquiring lakeshore properties at Clear Lake with the result that a decreasing portion of the lake is now accessible to a large segment of the population; and

WHEREAS, In the vicinity of Clear Lake Highlands there remains property abutting the lake which is still open to the public, which property is controlled by the Board of Supervisors of Lake County, and which is adjacent to property the title to which is held by the State; and

WHEREAS, It appears feasible that a state park could be created in this area at a small cost, and that it is necessary to establish such a park to meet the present and future needs of the entire area surrounding Lake County for a healthful recreational area; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Park Commission

is hereby urged and requested to investigate and study the need for establishing a state park in the vicinity of Clear Lake Highlands, and the possibilities of utilizing the aforementioned state and county properties for such purpose, and to report its findings and recommendations to the Legislature at its 1954 Regular Session.

CHAPTER 218

Senate Concurrent Resolution No. 92—Relative to congratulating William F. Humphrey.

[Filed with Secretary of State, June 10, 1953]

WHEREAS, William F. Humphrey of San Francisco celebrated his eightieth birthday on March 3, 1953, and on that day and now continues at a high peak of service to the business and civic life of San Francisco and California; and **William F. Humphrey**

WHEREAS, William F. Humphrey was born in San Francisco and educated at the University of Santa Clara, where he received a degree of Bachelor of Arts, and at Hastings College of the Law, University of California, which awarded him a degree of Bachelor of Laws; and

WHEREAS, He has for more than 50 years been a practicing attorney and a distinguished member of the Bar of California and has participated in many important legal causes in the courts of California and in the Superior Court of California; and

WHEREAS, He has been president of the Olympic Club of San Francisco for more than 30 years and has been a leader in utilizing sports and athletic activities to build the youth and manhood of our State into better and stronger citizens, and has been a leader in the Amateur Athletic Union and in sponsoring and financing American participation in the Olympic Games; and

WHEREAS, He was President of the Tidewater Associated Oil Company for more than 20 years, retiring on May 7, 1953; and

WHEREAS, During World War II he served with great distinction as a volunteer administrator of the petroleum industry's program to assist the United States Government and the armed forces in conserving, developing, and distributing petroleum products for maximum usefulness to the war effort; and

WHEREAS, Despite these great accomplishments as an attorney, industrialist, and civic leader, he has because of his modest and friendly personality, built and maintained warm, personal friendships with people in all parts of California and the United States; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of this Legislature extend heartiest congratulations to William F. Humphrey on the occasion of his eightieth birthday and congratulate and commend him for the great contributions he has made to the

progress of San Francisco and California, and extend to him their best wishes for many more years of happy and vigorous activity in his chosen profession and industry and in the athletic and civic life of California; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to Mr. William F. Humphrey.

CHAPTER 219

Senate Concurrent Resolution No. 94—Relative to the retirement of Loren F. White as senior deputy clerk of the Supreme Court.

[Filed with Secretary of State, June 10, 1953.]

Loren F White

WHEREAS, Loren F. White has recently retired as senior deputy clerk of the Supreme Court of the State of California; and

WHEREAS, His 29 years of service in that capacity is almost as long as the service of the most senior justice and spans the presidency of Chief Justices Louis W. Myers, William H. Waste, and the incumbent, Phil S. Gibson; and

WHEREAS, He was born in the State of Missouri, graduated from the University of Kansas City School of Law, married Cora Belle Taylor, a graduate of Kansas State Teachers College, and is the father of Gerald Taylor White, associate professor of history at San Francisco State College, and the grandfather of Kenneth and David White; and

WHEREAS, He has become known as a scholar and kind advisor to thousands of judges, attorneys, and any and all persons having business with the State's highest tribunal in San Francisco, and his inspiration, encouragement, fund of information, sensitive understanding, broad knowledge, generosity of spirit, and example of the noblest in justice have earned him the private title of "Mr. Supreme Court"; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature for themselves and for the people of California do here and now express their appreciation to Loren F. White for his exemplary service and wish him and his wife many enjoyable and productive years ahead; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably engrossed copies of this resolution to Mr. and Mrs. Loren F. White, and to the Clerk of the Supreme Court at San Francisco.

CHAPTER 220

Senate Concurrent Resolution No. 97—Relating to commending the Sutter Hospitals of Sacramento.

[Filed with Secretary of State, June 10, 1953.]

WHEREAS, Sutter Hospitals, comprised of the Sutter General and the Sutter Maternity Hospitals, is a nonprofit, community institution, dedicated to the service of all citizens, regardless of race, creed or color; and Sutter Hospitals

WHEREAS, These hospitals have achieved a state-wide reputation for excellence and efficiency of service in fulfilling the hospitalization needs of the Sacramento community; and

WHEREAS, In the past said hospitals have performed great service to Members of the Legislature of the State of California who have been stricken with illness while performing their legislative duties in Sacramento; and

WHEREAS, The Community Advisory Committee for Sutter Hospitals, comprised of 38 civic-minded citizens of Sacramento is now engaged in a campaign to raise funds to expand the facilities of Sutter Hospitals to meet the urgent deficiency in hospital beds that now exists in Sacramento; and

WHEREAS, The citizens of the Sacramento area are now responding with gifts to raise the sum of one million two hundred fifty thousand dollars ($1,250,000) to construct an addition to the Sutter Hospitals to relieve the present acute shortage of hospital facilities in this community; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Members of this Legislature commend the Community Advisory Committee for Sutter Hospitals and the citizenry of Sacramento for their efforts in carrying out this worthy community project; and be it further

Resolved, That the Members of the Legislature urge the people of Sacramento and the surrounding area to give their wholehearted support to the Sutter Hospitals' Building Fund Campaign; and be it further

Resolved, That the Secretary of the Senate is hereby directed to send a suitably prepared copy of this resolution to Mr. N. C. Templeton, Chairman of the Community Advisory Committee for Sutter Hospitals.

CHAPTER 221

Assembly Concurrent Resolution No. 124—Relative to congratulating the San Francisco News on its golden anniversary.

[Filed with Secretary of State, June 12, 1953.]

WHEREAS, The San Francisco News this year celebrates its golden anniversary; and San Francisco News

WHEREAS, The News has, during the past 50 years, a period of tremendous growth for the City of San Francisco, itself grown

from a four-page paper with a run of 150 copies to a great metropolitan daily with tens of thousands of devoted readers; and

WHEREAS, When barely three years old, it met the challenge of the great earthquake and fire of 1906, survived that catastrophe, and, indeed, was the only San Francisco newspaper to publish an edition on the event, before its own plant was consumed by fire; and

WHEREAS, It can, by reason of its vigorous editorial campaigns for their creation, rightfully claim a considerable part of the credit for the existence of many of the great assets of the Bay area, including the Golden Gate and San Francisco-Oakland Bay Bridges and the Municipal Railway of San Francisco; and

WHEREAS, It has been a relentless fighter for clean government, at all levels, and through this policy has been very instrumental in bringing about the corrections of many existing evils; and

WHEREAS, It has been a champion of the causes of the weak, the underprivileged, and the unpopular, as evidenced by its strenuous efforts on behalf of the mentally ill and its strong support for youth welfare measures; and

WHEREAS, It has attained its growth and fought for its objectives by means consistent with the highest standards of journalism; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California extends its congratulations to the San Francisco News on its golden anniversary; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send a suitably prepared copy of this resolution to Mr. Frank R. Ford, Editor of the San Francisco News.

CHAPTER 222

Assembly Concurrent Resolution No. 114—Relative to congratulating the Grand Lodge of California, Independent Order of Odd Fellows, upon its centennial celebration.

[Filed with Secretary of State, June 12, 1953.]

Independent Order of Odd Fellows

WHEREAS, The California Lodge, No. 1, Independent Order of Odd Fellows, was organized in San Francisco on January 28, 1849; and

WHEREAS, The Grand Lodge of California, Independent Order of Odd Fellows, was organized May 17, 1853, at San Francisco, by California Lodge No. 1 of San Francisco, Sacramento Lodge No 2 of Sacramento, Eureka Lodge No. 4 of Sacramento, Charity Lodge No. 6 of Stockton, Auburn Lodge No. 7 of Auburn, and El Dorado Lodge No. 8 of Sacramento; and

WHEREAS, The purposes of the order are to visit the sick, relieve the distressed, bury the dead, and educate the orphan; and

WHEREAS, The Independent Order of Odd Fellows celebrated the centennial of the First Grand Lodge session in Sacramento, on Saturday, May 16, 1953, at the Odd Fellows Temple in Sacramento, attended by officers and delegates from the lodges of California; and

WHEREAS, C. A. Beach, of Sacramento, has just completed one year of service as Grand Master, Grand Lodge of California; and

WHEREAS, Edward A. Seeley, a member of Inglewood Lodge No 420, has recently assumed his duties as Grand Master, Grand Lodge of California; and

WHEREAS, The three links of the Odd Fellows emblem represent Friendship, Love and Truth; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the California Legislature do hereby extend greetings and best wishes for a long and happy career to C. A. Beach, the immediate past Grand Master, to Edward A. Seeley, the present Grand Master, Grand Lodge of California, and to all members of the Independent Order of Odd Fellows in California; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby instructed to have suitably prepared copies of this resolution for presentation to Past Grand Master Beach, Grand Master Seeley, the Grand Lodge of California, each of the founding lodges of the order, and to Inglewood Lodge No 420, the home lodge of Grand Master Seeley.

CHAPTER 223

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 3, 4, and 5 of Article IV and Section 2 of Article V of the Constitution of said State, relating to the term of office of state officers.

[Filed with Secretary of State, June 15, 1953.]

Constitution Amendment Secs 3, 4, 5 of Art. IV and Sec 2 of Art V re state officers' terms

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its regular session commencing on the fifth day of January, 1953, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

First, That Section 3 of Article IV of the Constitution of the State be amended to read as follows:

SEC. 3. Members of the Assembly elected in the year 1956, and thereafter, shall be chosen for a term of four years; and each election shall be on the first Tuesday after the first Monday in November unless otherwise ordered by the Legislature. The seats of 40 Members of the Assembly elected in the year

1956 from the even-numbered districts shall be vacated at the expiration of the second year, so that half of the Members of the Assembly shall be elected every two years.

Second, That Section 4 of Article IV of the Constitution of the State is amended to read:

SEC. 4. Senators shall be chosen in the manner and for the term prescribed in Section 5 hereof, at the same time and places as Members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State three years, and of the district for which he shall be chosen one year, next before his election.

Third, That Section 5 of Article IV of the Constitution of the State is amended to read:

SEC. 5. The Senate shall consist of 40 members, and the Assembly of 80 members, to be elected by districts, numbered as hereinafter provided. The seats of 13 Senators elected in the year 1954 from the even-numbered Districts 2 to 26, inclusive, shall be vacated at the expiration of the fourth year; those of the seven Senators elected in the year 1954 from the even-numbered Districts 28 to 40, inclusive, shall be vacated at the expiration of the sixth year; those of the six Senators elected in the year 1956 from the odd-numbered Districts 1 to 11, inclusive, shall be vacated at the end of the fourth year and those of the 14 Senators elected in the year 1956 from the odd-numbered Districts 13 to 39, inclusive, shall be vacated at the expiration of the sixth year, so that approximately one-third of the Senators shall be elected every two years. Thereafter the terms of all Senators shall be six years.

Fourth, That Section 2 of Article V of said Constitution be amended to read:

SEC. 2. The Governor shall be elected by the qualified electors at the time and places of voting for Members of the Assembly, and shall hold his office four years from and after the first Monday after the first day of January subsequent to his election, and until his successor is elected and qualified. No person except the incumbent of the Office of Governor at the time this provision takes effect shall be eligible for the Office of Governor for more than two successive terms.

CHAPTER 224

Assembly Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 2 5 to Article XXVI thereof, relating to use of highway user tax funds for the planning and construction of facilities for vehicle parking.

Constitution Addition Sec 2 5 to Art XXVI re use of taxes for parking facilities

[Filed with Secretary of State, June 15, 1953.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1953 Regular Session

commencing on the fifth day of January, 1953, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 2.5 to Article XXVI thereof, to read:

SEC. 2.5. Notwithstanding any other provision of this article, money from the taxes and fees specified in Sections 1 and 2 of this article may be used for the planning and construction of facilities for vehicle parking, in such manner as the Legislature may provide.

CHAPTER 225

Assembly Constitutional Amendment No. 57—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 23 of Article VI thereof, relating to the qualifications of justices and judges

[Filed with Secretary of State, June 15, 1953.]

Constitution. Amendment Sec. 23 of Art VI re justices' and judges' qualifications

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1953 Regular Session commencing on the fifth day of January, 1953, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 23 of Article VI of the Constitution to read as follows:

SEC. 23. No person shall be eligible to the office of a justice of the Supreme Court, or of a district court of appeal, or of a judge of a superior court, or of a municipal court, unless he shall have been admitted to practice before the Supreme Court of the State for a period of at least five years immediately preceding his election or appointment to such office; provided, however, that any elected judge or justice who has served by election or appointment as such judge or justice of a court superseded by a justice or municipal court for five consecutive years immediately preceding November 7, 1950, and has served continuously as a judge of such superseding court after said date until the establishment of a municipal court, shall be eligible to become the judge of a municipal court which supersedes the court of which he is judge upon the establishment of said municipal court or at the first election of judges thereto and for any consecutive terms thereafter for which he may be re-elected. The requirement of consecutive years of judicial service shall be deemed to have been met even though interrupted by service in the armed forces of the United States during the period of war.

CHAPTER 226

Assembly Joint Resolution No. 27—Relative to a congressional committee on baseball.

[Filed with Secretary of State, June 15, 1953.]

West Coast baseball

WHEREAS, The major league baseball leaders have hitherto overlooked the importance of establishing a major league on the West Coast; and

WHEREAS, Although baseball is regarded as a national sport, seven big league baseball teams are within a radius of a few hundred miles of each other while no city west of St. Louis has a major league team; and

WHEREAS, Several Pacific Coast cities, especially Los Angeles, Oakland and San Francisco, have the facilities, drawing power in money and spectators, and enthusiasm to support a major league franchise more profitably than many of the major league cities; and

WHEREAS, It is generally known that a major league can be successfully established on the West Coast; and

WHEREAS, The Legislature of the State of California commends the Pacific Coast League on its successful efforts to maintain baseball as a major sport on the West Coast; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes Congress that any committee of Congress which undertakes the study of baseball should take into consideration the above facts; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President of the Senate of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 227

Assembly Joint Resolution No. 37—Relative to memorializing Congress to enact H. R. 2748 providing certain benefits for veterans of the Mexican Border Incident.

[Filed with Secretary of State, June 15, 1953.]

Veterans of Mexican Border Incident

WHEREAS, There is pending before the Congress of the United States H. R. 2748, referred to the Committee on Veterans' Affairs; and

WHEREAS, H. R. 2748 would grant all the privileges, rights, and benefits granted to persons who served in the War with Spain to members of the armed forces of the United States who, during the period beginning December 8, 1910, and end-

ing April 6, 1917, served in Mexico, on the borders of Mexico, or in the waters of Mexico; and

WHEREAS, H. R. 2748 would also grant to the widows and children of such veterans all of the privileges, rights, and benefits granted to widows and children of persons who served in the war with Spain, and

WHEREAS, These veterans are the courageous men who, at great personal sacrifice, rose to protect the people of our Country when the Nation was in great danger from the Mexican rebels; and

WHEREAS, Among those who voluntarily served in the Mexican crisis were 4,600 Californians, approximately 2,500 of whom have survived to this day; and

WHEREAS, It is altogether fitting and proper that these forgotten defenders, and their surviving widows and children, be at least granted the privileges, rights, and benefits given to veterans, and their relatives. of the war with Spain; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact H. R. 2748; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 228

Assembly Joint Resolution No. 38—Relative to the termination of authority of the Bureau of Indian Affairs in California.

[Filed with Secretary of State, June 15, 1953.]

WHEREAS, American Indians, who are citizens of the United States of America, generally remain subject to numerous restrictions on their activities, particularly with respect to land transactions, promulgated and enforced by the Bureau of Indian Affairs; and

Bureau of Indian Affairs

WHEREAS, The Bureau of Indian Affairs has outlived its usefulness, though its employees, understandably alarmed by the prospect of unemployment, regularly engage in strenuous efforts for self-perpetuation in office; and

WHEREAS, The State of California is able to provide for the well-being of American Indians, as it does for other citizens, by laws of general applicability; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to take such steps as are necessary to effect a ter-

mination of the authority of the Bureau of Indian Affairs, particularly in the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 229

Assembly Concurrent Resolution No. 104—Relative to establishing a state park near Clearlake Highlands.

[Filed with Secretary of State, June 15, 1953.]

State park at Clear Lake

WHEREAS, The Redwood Empire's Clear Lake in Lake County is the largest body of water entirely within the confines of the State of California, its 105-mile shoreland being indented with quiet inlets and studded with sandy beaches; and

WHEREAS, Clear Lake is readily accessible to the great population areas of the San Francisco Bay region and the Sacramento Valley, and is endowed by nature with an enviable climate which permits the lake area to be used for many recreational purposes the year round; and

WHEREAS, The steadily growing number of persons who are enjoying Clear Lake's facilities, accompanied by the improvement of highways leading to this wonderland, is rapidly making Clear Lake an increasingly popular recreational area; and

WHEREAS, Many private interests, spurred by natural desires to obtain beautiful recreational areas for themselves, are acquiring lake shore properties at Clear Lake with the result that a decreasing portion of the lake is now accessible to a large segment of the population; and

WHEREAS, In the vicinity of Clearlake Highlands there remains property abutting the lake which is still open to the public, which property is controlled by the Board of Supervisors of Lake County, and which is adjacent to property the title to which is held by the State; and

WHEREAS, It appears feasible that a state park could be created in this area at a small cost, and that it is necessary to establish such a park to meet the present and future needs of the entire area surrounding Lake County for a healthful recreational area; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Park Commission is hereby urged and requested to investigate and study the need for establishing a state park in the vicinity of Clearlake Highlands, and the possibilities of utilizing the aforementioned state and county properties for such purpose, and to report its findings and recommendations to the Legislature at its 1954 Regular Session.

CHAPTER 230

Assembly Concurrent Resolution No. 109—Relative to the creation of the Joint Legislative Committee on Impounded Funds From Tide and Submerged Lands.

[Filed with Secretary of State, June 15, 1953.]

Joint Committee on Impounded Funds

WHEREAS, Impounded revenues from tide and submerged lands now exceed fifty-five million dollars ($55,000,000) and it is anticipated that at the end of the 1953-54 Fiscal Year they will exceed sixty-six million dollars ($66,000,000); and

WHEREAS, Chapter 7 of the Statutes of 1951 was enacted to provide for the impounding, handling and disposition of said funds; and

WHEREAS, Appropriations have been made, both in the budget acts and in special appropriation acts, with the proviso that the funds from which such appropriations were made be reimbursed from said impounded tide and submerged land funds when such funds are released by the Federal Government; and

WHEREAS, Many bills have been introduced at the 1953 Regular Session dealing with or affecting these matters; and

WHEREAS, It is necessary that the Legislature be fully informed on all aspects of this subject and on the effect these matters will have on the fiscal affairs of the State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Legislative Committee on Impounded Funds From Tide and Submerged Lands is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the subject matter set forth in the recitals of this resolution, including all facts relating to the funds therein mentioned, the handling, disposition and proposed disposition thereof, and including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of three Members of the Senate appointed by the Committee on Rules thereof, and three Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1954 Regular Session, with authority to file its final report not later than the tenth day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint

Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(f) To meet and act both within and outside the State of California in carrying out the duties imposed upon it by this resolution.

6. The sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly, equally, for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 231

Assembly Concurrent Resolution No. 117—Relative to inviting the Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America, Inc., to hold its international contest from June 6 to June 10, 1956, in the State of California.

[Filed with Secretary of State, June 15, 1953.]

Barber shop singing contest

WHEREAS, Men, and an increasing number of women, enjoy singing barber shop harmony, a truly American art form, for a variety of reasons, among which is the fact that barber shop harmony affords a common meeting ground for individual ex-

pression, yet gives one the satisfaction of being an integral part of a complete picture; and

WHEREAS, Barber shop quartet singing attracts not only the "old timers" but has become very popular in the high schools and colleges, for age and occupation makes no difference—the banker puts aside his cares, and the factory worker forgets his machines, as he joins with others who have become afflicted with "barbershopitis"; and

WHEREAS, The Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America, Inc., has announced its intention to hold an international singing contest from June 6 to June 10, 1956, and to bring approximately 5,000 singers to said contest; and

WHEREAS, The State of California offers a wide variety of forms of recreation, education, and entertainment for visitors; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby extends a cordial and hearty invitation to the Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America, Inc., to hold its 1956 contest in California.

CHAPTER 232

Assembly Concurrent Resolution No. 118—Relative to the creation of the Joint Legislative Process Committee.

[Filed with Secretary of State, June 15, 1953.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Legislative Process Committee is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the legislative branch of the State Government, to defects or deficiencies in the law governing that branch, to methods whereby legislation is proposed, considered and acted upon, to the operation of the Legislature, to the committees thereof and the means of coordinating the work thereof and avoiding duplication of effort, to aids to the Legislature, and to the ascertainment of facts, information and statistics for the use of the Legislature, the respective houses thereof, and the members, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws and constitutional provisions in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

Joint Legislative Process Committee

2. The committee shall consist of the members of the Assembly Committee on Rules and five members of the Senate Committee on Rules, and two members from the Senate to be appointed by the Senate Committee on Rules.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1955 Regular Session, with authority to file its final report not later than the last legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(6) The sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 233

Assembly Concurrent Resolution No. 119—Relative to the creation of the Joint Legislative Committee on Governmental Reorganization.

[Filed with Secretary of State, June 15, 1953.]

Joint Legislative Committee on Governmental Reorganization

WHEREAS, The structure of the State Government of this State has increased in size and complexity, the functions as-

sumed by the State have increased in number and in the extent by services performed by governmental agencies and units, and the cost of State Government has increased correspondingly with the increase in the size and activities thereof; and

WHEREAS, The Legislature has need to be fully advised in all facts relating to the organization of the State Government and the duties, functions, and responsibilities of the various departments, commissions, boards, authorities, divisions, bureaus, offices, and other units of government and the relationships between and within them, their methods of operation, procedures, and techniques, their costs of operation, and the value of the services rendered by them; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Legislative Committee on Governmental Reorganization is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the organization, functions, procedures, and operations of the State Government and its departments, commissions, boards, authorities, divisions, bureaus, offices, and other units thereof, whether provided for by statute or by the Constitution, the relationship of such units to one another, the internal organization thereof, their methods of operation, their cost to the State, the necessity or desirability of their continuance, the existence of duplicating, overlapping, or needless functions, the desirability of centralizing and coordinating related activities, modernizing techniques and proceedings, and all facts and matters relating to the nature and extent of governmental activities and operations, and the necessity or desirability of creating a Department of General Services or such other agencies as will provide for the most efficient methods of conducting the State's business, and the leasing or acquisition of needed office space and buildings therefor, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in its reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Assembly appointed by the Speaker thereof, and five Members of the Senate, appointed by the Committee on Rules thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1955 Regular Session, with authority to file its final report not later than the fifteenth legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions

are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) The committee, and any subcommittee when so authorized by the committee, may meet and act without as well as within the State of California, and is authorized to leave the State in the performance of its duties.

(f) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of thirty-five thousand dollars ($35,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 234

Assembly Concurrent Resolution No. 122—Relative to expenses of legislative members of California Law Revision Commission.

[Filed with Secretary of State, June 15, 1953.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

Expenses of California Law Revision Commission

That the Assembly Committee on Rules or the Assembly Legislative Process Committee (in the case of the Contingent Fund of the Assembly) and the Senate Committee on Rules (in the case of the Contingent Fund of the Senate), are hereby authorized and directed to make funds available from said contingent funds to pay the expenses of the members of the Joint Interim Committee on Law Revision which would be created

by Assembly Bill No. 35 of the 1953 General Session of the Legislature if that bill is signed by the Governor and finally enacted into law. Such funds may be made available for the expenses of the joint interim committee and its members and for any charges, expenses or claims it may incur, to be paid from said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 235

Assembly Concurrent Resolution No. 123—Relative to welcoming the delegates to the Eighth World Congress of the Junior Chamber International to be held in San Francisco, California, from June 20th to June 27th.

[Filed with Secretary of State, June 15, 1953.]

Junior Chamber International

WHEREAS, The people of the State of California and, more particularly, the San Francisco Junior Chamber of Commerce will have the great honor of acting as host to the Eighth World Congress of the Junior Chamber International, which congress is to be held in San Francisco from June 20th to June 27th of this year; and

WHEREAS, The Junior Chamber International, like the San Francisco Junior Chamber of Commerce, is an organization of civic minded and public spirited young men whose objectives are the improvement and development of their community, the promotion of international peace and world trade, and the training of their individual members for business advancement and civic leadership; and

WHEREAS, The Eighth World Congress of the Junior Chamber International will take place at the War Memorial Opera House, the historically significant building where the United Nations came into being and where the Japanese Peace Conference was held; and

WHEREAS, Together with the almost one thousand delegates from five continents who are to attend the congress, there will be a host of international dignitaries; and

WHEREAS, The theme of the congress will be "Unity Through Friendship; Prosperity Through Trade," a most fitting and commendable purpose for such an outstanding and worthy organization; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby extends a most cordial welcome to the delegates and guests of the Eighth World Congress of the Junior International; and be it further

Resolved, That the Legislature of the State of California hereby commends the young men of all nations, acting through the Junior Chambers of Commerce, for taking such an active

lead in bringing about a better understanding of the problems of each nation and of the world, and in seeking, through neutral and cooperative efforts, to solve the problems presently facing the world, in the hope that such efforts will establish a pattern for the elimination of world conflict; and be it further

Resolved, That the Chief Clerk of the Assembly be, and hereby is, directed to transmit suitably prepared copies of this resolution to the General Chairman of the Eighth Congress of the Junior Chamber International, Ken Shepherd.

CHAPTER 236

Assembly Joint Resolution No. 39—Relative to reclamation funds.

[Filed with Secretary of State, June 17, 1953.]

Reclamation funds

WHEREAS, Congress, by the Act of October 17, 1940, authorized the Secretary of Interior to construct distribution systems deemed necessary in connection with the lands for which the waters are to be delivered from the Central Valley Project; and

WHEREAS, Districts for which distribution systems are constructed under this authority are permitted to repay the costs thereof without interest over a period of not to exceed 50 years pursuant to the Reclamation Laws; and

WHEREAS, Although the benefits of interest-free money are substantial, they are minimized because of the high cost of construction when the work is done under the supervision and control of the Bureau of Reclamation; and

WHEREAS, In most cases the districts themselves could provide for the construction of adequate distribution systems under the supervision of the Districts Securities Commission and the State Engineer at a much less cost than the Bureau of Reclamation; and

WHEREAS, One of the principal purposes of the reclamation program—the making available of water at the lowest possible cost to the user—would be more fully effected if interest-free money was made available to districts for construction of distribution systems by the districts themselves; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress is respectfully memorialized to enact such laws and to amend such acts pertaining to the authorization and the construction of the Central Valley Project as may be necessary to make loans available directly to the districts for the construction of distribution systems approved by the Districts Securities Commission and the State Engineer, to be repaid without interest, in not to exceed 50 annual installments; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the President of the United States, the President of the Senate, the Speaker of the House of Representatives and each Senator and Representative in Congress from the State of California.

CHAPTER 237

Assembly Concurrent Resolution No. 108—Relative to the creation of the Joint Legislative Committee on Marine Affairs and Bay Area Development.

[Filed with Secretary of State, June 17, 1953.]

Resolved, by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Legislative Committee on Marine Affairs and Bay Area Development is hereby created and authorized and directed to ascertain, study, and analyze all facts relating to or in any manner affecting the marine affairs and bays and harbors of the State including, but not restricted to, the establishment of a waterways system on the inland waters of the State tributary to the Pacific Ocean, the establishment of harbors of refuge along the California coast for the safety and use of fishing boats and other small craft, and the pollution of the bays and harbors of this State. The said committee is further directed to study ways and means of securing funds for the accomplishment of the purposes herein set forth, and to investigate any and all other matters incidental or pertaining to bays and harbors and marine affairs, in all their phases including, but not limited to, all matters pertaining to small boat harbor development, navigational facilities such as moorings, anchorage areas for small craft, fishing boats, and including but not limited to the operation, effect, administration, enforcement, and any needed revision of any and all laws bearing upon and relating to the subject of this resolution, and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation, and to confer with the United States Army, the Navy, the Coast Guard, and local harbor authorities of the various cities and counties and chambers of commerce, yachting organizations and other public or private bodies, in order to effect a waterways system in aid of navigation and the establishment, improvement and development of all necessary facilities to accommodate commercial fishing or recreational pursuit by operators of small craft on the inland waters or along the California coast, its bays and inlets of the Pacific Ocean and also to confer with competent professional technicians on the engineering and economic factors involved in the various plans which may be proposed with respect to marine affairs and bay and harbor development in this State, including the prevention of the pollution of the waters thereof.

Joint Legislative Committee on Marine Affairs and Bay Area Development

2. The committee shall consist of five Members of the Assembly, appointed by the Speaker thereof, and five Members of the Senate, appointed by the Committee on Rules thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1955 Regular Session with authority to file its final report not later than the last legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership, and to employ such assistants as it deems necessary.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committees.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To travel, or to appoint a subcommittee, and an advisory committee, to travel, within or outside of this State and the United States in pursuing the investigation committed to it.

(f) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 238

Senate Joint Resolution No. 47—Relative to memorializing Congress to amend the federal income tax laws.

[Filed with Secretary of State, June 18, 1953.]

Adoption costs

WHEREAS, Medical expenses arising from childbirth are deductible expenses under the federal income tax laws as well as under the Income Tax Law of this State; and

WHEREAS, The expenses incurred in connection with the adoption of a child should be treated in the same manner as the expenses mentioned above, for tax purposes; and

WHEREAS, Such treatment of adoption expenses would encourage adoptions and thereby aid in giving orphans and abandoned children the normal home life which is their rightful heritage; and

WHEREAS, The Legislature has passed Senate Bill No. 1748, designed to accomplish these objectives; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to amend the federal income tax laws to place an adoptive parent in the same position as a natural parent, by allowing as deductions from income the costs incurred in connection with adoption proceedings; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution and of Senate Bill No. 1748 to the President of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 239

Senate Concurrent Resolution No. 13—Relative to the creation of the Joint Committee on Water Problems.

[Filed with Secretary of State, June 18, 1953.]

Joint Committee on Water Problems

WHEREAS, The industry and agriculture of our State is dependent upon an adequate water supply which can be obtained only through the full development and utilization of our water resources; and

WHEREAS, Our present water supply is insufficient to fulfill even the present needs of the people of this State and the urgent need for the immediate completion of a comprehensive and coordinated program for the conservation of all of our water resources; and

WHEREAS, Much state legislation is pending and contemplated for consideration for the purpose of making the maximum possible beneficial use of the waters of the State; and

WHEREAS, There is much federal legislation now pending and in contemplation for enactment which would provide for various federal activities in connection with the solution of our water development and conservation problems, and there is much confusion as to just how California and the Federal Government may best cooperate in solving these problems, and a comprehensive plan should be carefully worked out for such cooperation between them; and

WHEREAS, The Central Valley Project is an integral part of the full development of the water resources and it is necessary to study means whereby the State can best assist in accomplishing its completion at the earliest possible date; and

WHEREAS, The San Francisco Bay area and coastal counties are in need, desperately, of an additional supply of fresh water; and

WHEREAS, It is necessary that a study be made of the means by which such a supply can be obtained for this area; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. The Joint Committee on Water Problems is hereby created and authorized and directed to ascertain, study and analyze all facts relating to or in any way bearing upon any of the subjects mentioned in the recitals of this resolution; any and all phases of flood control, river flow control and equation, domestic use, irrigation, reclamation, and power development of water, including the bearing thereof upon the economic, recreational and other needs of the people of the State and the relation thereof to the wild life and other natural resources of the State; the best means of cooperation with federal, local and other governmental agencies; the feasibility of the transfer of the Central Valley Project to this State for ownership and operation, including the development of plans for the negotiation of such transfers; and the means for securing an additional fresh water supply for the San Francisco Bay area and coastal counties, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Senate appointed by the Committee on Rules thereof, and five Members of the Assembly appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1955 Regular Session, with authority to file its final report not later than the final legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigat-

ing committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee or any subcommittee may meet and travel within or outside this State in pursuing the investigations committed to it.

6. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(f) To employ engineers and such other technical and clerical assistants as may be necessary to enable the committee to properly conduct its studies.

7. The sum of seventy-five thousand dollars ($75,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 240

Senate Concurrent Resolution No. 63—Relative to the creation of a fact-finding committee on agricultural and livestock problems.

[Filed with Secretary of State, June 18, 1953.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

Joint Legislative Committee on Agricultural and Livestock Problems

1. The Joint Legislative Committee on Agricultural and Livestock Problems is hereby created and authorized and directed to

ascertain, study and analyze all facts in any manner affecting agriculture, the livestock industry and dairying, and any and all matters incidental or pertaining thereto, and in all their several phases, including but not limited to all facts and matters pertaining to livestock diseases and the effect or possible effect thereof on the livestock industry including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of six Members of the Senate appointed by Committee on Rules thereof, and six Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1955 Regular Session, with authority to file its final report not later than the last legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To travel, or appoint a subcommittee to travel, within or outside of this State and the United States in pursuing the investigation committed to it.

(f) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 241

Senate Concurrent Resolution No. 93—Relative to the creation of a Joint Legislative Committee on Soil Conservation and defining its powers and duties.

[Filed with Secretary of State, June 18, 1953.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

Joint Legislative Committee on Soil Conservation

1. The Joint Legislative Committee on Soil Conservation is hereby created and authorized and directed to cooperate with those agencies making studies of earthen barriers in the San Francisco Bay and its tributaries and to evaluate such studies, and to ascertain, study, and analyze all facts relating to soil conditions and soil conservation throughout the State, including but not limited to soil erosion caused by dust storms, and including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Senate appointed by the Committee on Rules thereof and five Members of the Assembly appointed by the Speaker thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1955 Regular Session with authority to file its final report not later than the last legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(f) The committee and each subcommittee thereof is authorized to leave the State of California in the performance of its duties.

6. The sum of ten thousand dollars ($10,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 242

Senate Concurrent Resolution No. 95—Relative to the Joint Interim Committee on Agriculture and Livestock Problems.

[Filed with Secretary of State, June 18, 1953.]

Joint Interim Committee on Agriculture and Livestock Problems

WHEREAS, There are numerous items appropriating large sums of money for capital outlay in the State Budget for 1953-54 which include providing structures and facilities for agricultural activities at the several institutions, schools and colleges; and

WHEREAS, There are similar capital outlay items in the Postwar Building Program from funds already appropriated but as yet unexpended; and

WHEREAS, The inspection, recommendation and advice of the Joint Interim Committee on Agriculture and Livestock Problems resulting from its activity in 1948, 1949, 1950, 1951, 1952 and 1953 has resulted in a more orderly and economical development of agricultural activities at the several state institutions and schools; and

WHEREAS, The procedure of having the said joint committee inspect and review such expenditures has met with the general approval of all concerned; and

WHEREAS, In the process of making a review of the budgets of various institutions it has come to the attention of this committee that the manner in which expenditures are made for agricultural facilities at the institutions materially affects the operating costs of the institutions; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That no money be spent which was appropriated by the Budget Act of 1953 or previously appropriated for capital outlay providing for plans, specifications, construction or purchase of new facilities which is used for agricultural purposes until such facilities, equipment or item to be provided thereby is reviewed and inspected by the Joint Interim Committee on Agriculture and Livestock Problems and a report thereon has been filed with the Director of Finance of the State of California; and be it further

Resolved, That the recommendations of said committee be immediately put into effect by the Department of Finance in order that any resulting economies may be reflected in the 1953-54 Budget as soon as practicable.

CHAPTER 243

Senate Concurrent Resolution No. 96—Relative to making additional funds available to the Legislative Budget Committee, established by Chapter 1667, Statutes of 1951, for the purpose of making a study of utility services in state institutions and structures.

[Filed with Secretary of State, June 18, 1953.]

Utility services to State

WHEREAS, The State Department of Finance has, for the past two years, employed consultants for the purpose of studying the various utility systems and installations in state buildings for the purpose of ascertaining whether all possible economies in operation are being secured; and

WHEREAS, These studies have made recommendations for changes which, to the extent that they have been put into effect, have resulted in economies which in the long run will be substantial to the State; and

WHEREAS, The studies made to date have covered only a portion of the state institutions; and

WHEREAS, There is presently available insufficient funds in the budget of the Department of Finance for this purpose, and the Director of Finance has stated that he believes this function could appropriately be financed by means of an allocation to the Joint Legislative Budget Committee; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available to it, the sum of seventy-five thousand dollars ($75,000) or so much thereof as may be necessary is hereby appropriated from the Contingent Funds of the Senate and of the Assembly for the payment of any and all expenses incurred by the Legislative Budget Committee or its members pursuant to and under authority of the provisions of Joint Rule No. 37 to be expended equally from the Contingent Funds of the Senate and of the Assembly for the purpose of such a study.